

200.320. Recipients have flexibility in structuring their RFPs and contracts to address the unique needs of their operations services procurements, including considerations for pricing structures and staffing substitutions. Furthermore, while seeking industry input before issuing an RFP may be useful, it is not universally required. The current guidance provides sufficient flexibility for recipients to develop RFPs that align with their procurement objectives while complying with Federal requirements.

Comment: A law firm on behalf of an industry coalition suggested that FTA include a series of recommendations to recipients on what to include in contracts, such as provisions requiring the provision of detailed information from contract bidders, specifying a contract base period, bilateral rather than unilateral options for contract extension, inflation adjustment and force majeure clauses. This commenter also suggested FTA specify that fixed monthly fee and variable rate; variable rate; and cost plus rate structures are all appropriate for operations contracts.

FTA Response: FTA declines to include these specific recommendations. FTA's existing guidance already provides recipients with the flexibility to structure contracts in a manner that best meets their operational and financial needs, provided they remain compliant with Federal procurement requirements. Similarly, FTA declines to prescribe specific pricing structures—such as fixed monthly fees, variable rates, or cost-plus rates—as universally appropriate for recipients. Recipients have discretion to select contract terms and pricing structures based on their procurement objectives, market conditions, and the specific requirements of each procurement.

Comment: A city agency commented that Chapter VI, Section 2.g(1) should clarify whether contracts using negotiated hourly rates fall under the Cost Reimbursement category.

FTA Response: FTA declines to amend the Circular to describe different types of cost reimbursement contracts, because these terms are generally understood in the contracting community, and recipients have broad discretion to craft contracts within the limits of the Federal procurement standards (e.g., cost-plus-percentage-of-cost contracts are ineligible). If the commenter has a question about a specific procurement, the commenter should contact its FTA regional office.

Comment: A city agency commented that Chapter VI, Section h.2(c) should clarify the prohibition on using

qualifications based selection (QBS) procedures to procure actual construction. They suggested adding a cross-reference for exceptions under alternative contracting methods.

FTA Response: FTA has added a cross-reference to the section of the Circular discussing alternative contracting methods.

Comment: A transit bus manufacturer suggested that in Chapter VI, Section 2(g), "Contract Type Specified," FTA include language on price adjustment clauses and contract modifications on price increases.

FTA Response: FTA declines to revise this section. The current guidance already provides recipients with flexibility to structure contracts, including incorporating price adjustment provisions where appropriate, as long as they remain consistent with Federal procurement requirements and principles of fair and reasonable pricing.

G. Chapter VII

FTA is adopting as proposed the proposal to eliminate Chapter VII and replace it with a new paragraph in proposed Chapter III on Recipient Responsibilities and FTA's Role in Procurement Disputes.

Veronica Vanterpool,

Deputy Administrator.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2025-0001]

Denial of Motor Vehicle Defect Petition

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

ACTION: Denial of petition for a defect investigation.

SUMMARY: This notice sets forth the reasons for the denial of a defect petition, DP23-003, submitted on July 2, 2023, by Adelberto A. Cordova (the "Petitioner") to NHTSA's Office of Defects Investigation (ODI). The petition requests that NHTSA (the "Agency") investigate an alleged defect in the "ISG 48-volt on-board electrical system," which resulted in a warning light illumination and an inability to start the Petitioner's 2023 Mercedes-Benz GLC300. The Petitioner further requested a recall for 2023 Mercedes-Benz GLC300 vehicles based on this

issue. After conducting a technical review of the Petitioner's submissions, reviewing complaints related to MY 2023 Mercedes-Benz GLC300 warning light illumination as well as the inability to start a vehicle, and reviewing information provided by Mercedes-Benz regarding the ISG 48-volt system, NHTSA has concluded that the issues raised by the petition do not warrant a defect investigation at this time. Accordingly, the Agency has denied the petition.

FOR FURTHER INFORMATION CONTACT: Ms. Alexa Ardron, Vehicle Defects Division D, Office of Defects Investigation, NHTSA, 1200 New Jersey Avenue SE, Washington, DC 20590. Phone: (202)-819-4554. Email: Alexa.Ardron@dot.gov.

SUPPLEMENTARY INFORMATION:

Introduction

Interested persons may petition NHTSA requesting that the Agency initiate an investigation to determine whether a motor vehicle or an item of replacement equipment does not comply with an applicable motor vehicle safety standard or contains a defect that relates to motor vehicle safety. 49 U.S.C. 30162(a)(2); 49 CFR 552.1. Upon receipt of a properly filed petition, the Agency conducts a technical review of the petition, material submitted with the petition, and any additional information. 49 U.S.C. 30162(a)(2); 49 CFR 552.6. The technical review may consist solely of a review of information already in the possession of the Agency or it may include the collection of information from the motor vehicle manufacturer and/or other sources. After conducting the technical review and considering appropriate factors, which may include, but are not limited to, the nature of the complaint, allocation of Agency resources, Agency priorities, the likelihood of uncovering sufficient evidence to establish the existence of a defect, and the likelihood of success in any necessary enforcement litigation, the Agency will grant or deny the petition. *See* 49 U.S.C. 30162(a)(2); 49 CFR 552.8.

Background Information

In a letter dated July 2, 2023, Adelberto A. Cordova (the "Petitioner") submitted a petition requesting that NHTSA initiate an investigation into an alleged defect in the ISG 48-volt on-board electrical system, which allegedly resulted in warning light illumination and an inability to start the Petitioner's 2023 Mercedes-Benz GLC300 vehicle.

Thus, the scope of ODI's review was directed to those GLC300 vehicles.

NHTSA has based its decision on a review of the material cited by the Petitioner in his petition, information submitted by Mercedes-Benz in response to an Agency request, and other pertinent information in NHTSA's databases.

Summary of the Petition

The Petitioner alleged that Model Year (MY) 2023 Mercedes-Benz GLC300 vehicles equipped with the 48-volt ISG system can experience a failure resulting in the illumination of warning lights and an inability to start a vehicle. The Petitioner enclosed the following information with the petition:

- A description of the check engine light illuminating;
- A description of communications with a dealership about illumination of the check engine light;
- Copies of select Mercedes-Benz Service Campaign Bulletins;
- A listing of Mercedes-Benz vehicles that are covered under a recall for ISG–48V system issues;
- Excerpts from internet consumer chats that reported no-start conditions;
- A service invoice at a Mercedes-Benz dealership;
- Listings of Mercedes-Benz Xentry system communications; and
- Listings of allegedly related NHTSA recalls.

Office of Defects Investigation Analysis

ODI conducted the following actions while evaluating the Petition:

- Examined the Petition and its enclosures;
 - Reviewed the Petitioner's vehicle history;
 - Sent an Information Request letter to Mercedes-Benz and reviewed Mercedes-Benz's response to that letter; and
 - Searched for similar complaint traffic in NHTSA's consumer complaints database.
- In its August 24, 2023 response to NHTSA's Information Request letter, Mercedes-Benz stated that:
- The cause of the condition reported by the Petitioner was a software deviation in the Central Powertrain Controller (CPC);
 - The CPC is separate from and independent of the 48V mild hybrid ISG system;
 - The CPC condition in question may cause intermittent no-start conditions; and
 - Mercedes-Benz has an active software campaign to correct the CPC software deviation.

ODI conducted a search of NHTSA's consumer complaint database and did not find support for a related stalling trend in the subject vehicles.

Based on available information, it appears that the defect alleged by the Petitioner may be caused by a software error in the CPC software, which is a system separate and independent from the 48-volt system.

ODI concentrated its evaluation on conditions that could lead to a loss of motive power during a drive cycle, and the CPC condition only takes place during a vehicle's startup. Based on this distinction, coupled with the absence of a loss of motive power while driving in the Petitioner's vehicle, and an absence of other applicable loss of motive power allegations in the subject vehicle population in general, ODI finds no basis on which to open a related safety defect investigation at this time.

Mercedes-Benz has an ongoing service campaign to resolve the CPC software error, which caused the illumination of the engine lights and the no-start condition.

After thoroughly assessing the material submitted by the Petitioner, information in NHTSA's databases, and information submitted by Mercedes-Benz in response to an ODI Information Request regarding the Petitioner's allegations, and in consideration of the action Mercedes-Benz is taking to address the software issue, NHTSA does not find that a formal investigation is warranted at this time. Accordingly, the Agency is denying the petition. As with all potential motor vehicle safety risks, NHTSA will continue to review any new information or incidents as they are submitted to the Agency.

Authority: 49 U.S.C. 30162(d) and 49 CFR part 552; delegations of authority at CFR 1.95(a) and 49 CFR part 501.¹

Eileen Sullivan,

Associate Administrator for Enforcement.

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¹ The authority to determine whether to approve or deny defect petitions under 49 U.S.C. 30162(d) and 49 CFR part 552 has been further delegated to the Associate Administrator for Enforcement.

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for Modification to Special Permits

AGENCY: 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, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein.

DATES: Comments must be received on or before January 31, 2025.

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 Safety General Approvals and Permits Branch, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–13, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

SUPPLEMENTARY INFORMATION: 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.

Copies of the applications are available for inspection in the Records Center, East Building, PHH–13, 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)).