

## § 556.5

constitute a concession by the manufacturer of, nor will it be considered relevant to, the existence of a defect related to motor vehicle safety or a nonconformity.

[42 FR 7145, Feb. 7, 1977, as amended at 56 FR 66376, Dec. 23, 1991]

### § 556.5 Processing of petition.

(a) The NHTSA publishes a notice of each petition in the FEDERAL REGISTER. Such notice includes:

(1) A brief summary of the petition;

(2) A statement of the availability of the petition and other relevant information for public inspection; and

(3)(i) In the case of a defect related to motor vehicle safety or a noncompliance determined to exist by the manufacturer, an invitation to interested persons to submit written data, views, and arguments concerning the petition, and, upon request by the petitioner or interested persons, a statement of the time and place of a public meeting at which such materials may be presented orally if any person so desires.

(ii) In the case of a defect related to motor vehicle safety or a noncompliance initially determined to exist by the NHTSA, an invitation to interested persons to submit written data, views, and arguments concerning the petition or to submit such data, views, and arguments orally at the meeting held pursuant to section 152(a) of the Act following the initial determination, or at a separate meeting if deemed appropriate by the agency.

### § 556.6 Meetings.

(a) At a meeting held under this part, any interested person may make oral (as well as written) presentations of data, views, and arguments on the question whether the defect or noncompliance described in the FEDERAL REGISTER notice is inconsequential as it relates to motor vehicle safety.

(b) Sections 556 and 557 of Title 5, U.S.C., do not apply to any meeting held under this part. Unless otherwise specified, any meeting held under this part is an informal, nonadversary, fact-finding proceeding, at which there are no formal pleadings or adverse parties. A decision to grant or deny a petition, after a meeting on such petition, is not

## 49 CFR Ch. V (10–1–10 Edition)

necessarily based exclusively on the record of the meeting.

(c) The Administrator designates a representative to conduct any meeting held under this part. The Chief Counsel designates a member of his staff to serve as legal officer at the meeting. A transcript of the proceeding is kept and exhibits may be kept as part of the transcript.

### § 556.7 Disposition of petition.

Notice of either a grant or denial of a petition for exemption from the notice and remedy requirements of the Act based upon the inconsequentiality of a defect or noncompliance is issued to the petitioner and published in the FEDERAL REGISTER. The effect of a grant of a petition is to relieve the manufacturer from any further responsibility to provide notice and remedy of the defect or noncompliance. The effect of a denial is to continue in force, as against a manufacturer, all duties contained in the Act relating to notice and remedy of the defect or noncompliance. Any interested person may appeal the grant or denial of a petition by submitting written data, views, or arguments to the Administrator.

### § 556.8 Rescission of decision.

The Administrator may rescind a grant or denial of an exemption issued under this part any time after the receipt of new data and notice and opportunity for comment thereon, in accordance with §§ 556.5 and 556.7.

### § 556.9 Public inspection of relevant information.

Information relevant to a petition under this part, including the petition and supporting data, memoranda of informal meetings with the petitioner or any other interested person concerning the petition, and the notice granting or denying the petition, are available for public inspection in the Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Copies of available information may be obtained in accordance with part 7 of the regulations of the Office of

the Secretary of Transportation (49 CFR part 7).

(Authority: Sec. 104, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417))

[42 FR 7145, Feb. 7, 1977, as amended at 48 FR 44081, Sept. 27, 1983]

**PART 557—PETITIONS FOR HEARINGS ON NOTIFICATION AND REMEDY OF DEFECTS**

Sec.

- 557.1 Scope.
- 557.2 Purpose.
- 557.3 General.
- 557.4 Requirements for petition.
- 557.5 Improperly filed petitions.
- 557.6 Determination whether to hold a public hearing.
- 557.7 Public hearing.
- 557.8 Determination of manufacturer's obligation.

AUTHORITY: Sec. 9, Pub. L. 89-670, 80 Stat. 931 (49 U.S.C. 1657); sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); sec. 156, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1416); delegation of authority at 49 CFR 1.50).

SOURCE: 41 FR 56812, Dec. 30, 1976, unless otherwise noted.

**§ 557.1 Scope.**

This part establishes procedures under section 156 of the National Traffic and Motor Vehicle Safety Act of 1966, as amended (88 Stat. 1470, 15 U.S.C. 1416), for the submission and disposition of petitions filed by interested persons for hearings on the question of whether a manufacturer has reasonably met his obligation to notify owners, purchasers, and dealers of a safety-related defect or failure to comply with a Federal motor vehicle safety standard, or to remedy such defect or failure to comply. This part also establishes procedures for holding a hearing on these questions.

**§ 557.2 Purpose.**

The purpose of this part is to enable the National Highway Traffic Safety Administration to identify and respond on a timely basis to petitions for hearings on whether a manufacturer has reasonably met his obligation to notify or remedy, and to establish the procedures for such hearings.

**§ 557.3 General.**

Any interested person may file with the Administrator a petition requesting him to hold a hearing on—

- (a) Whether a manufacturer has reasonably met his obligation to notify owners, purchasers, and dealers of a safety-related defect in any motor vehicle or item of replacement equipment manufactured by him;
- (b) Whether a manufacturer has reasonably met his obligation to notify owners, purchasers, and dealers of a failure to comply with an applicable Federal motor vehicle safety standard in any motor vehicle or item of replacement equipment manufactured by him;
- (c) Whether the manufacturer has reasonably met his obligation to remedy a safety-related defect in any motor vehicle or item of replacement equipment manufactured by him; or
- (d) Whether the manufacturer has reasonably met his obligation to remedy a failure to comply with an applicable Federal motor vehicle safety standard in any motor vehicle or item of replacement equipment manufactured by him.

**§ 557.4 Requirements for petition.**

A petition filed under this part should be addressed and submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Each petition filed under this part must—

- (a) Be written in the English or Spanish language;
- (b) Have, preceding its text, the word "Petition";
- (c) Contain a brief statement concerning the alleged failure of a manufacturer to meet reasonably his obligation to notify or remedy;
- (d) Contain a brief summary of the data, views, or arguments that the petitioner wishes to present in a hearing on whether or not a manufacturer has reasonably met his obligations to notify or remedy;
- (e) Specifically request a hearing.

**§ 557.5 Improperly filed petitions.**

(a) A petition that is not addressed as specified in § 557.4, but that meets the other requirements of that section, will