

has filed an appropriate report pursuant to 49 CFR Part 573, Defect and Noncompliance Responsibility and Reports, dated February 4, 2009.

Pursuant to 49 U.S.C. 30118(d) and 30120(h) and the rule implementing those provisions at 49 CFR part 556, Pilkington has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety. Notice of receipt of Pilkington's petition was published, with a 30-day public comment period, on May 20, 2009, in the **Federal Register** (74 FR 23775). No comments were received. To view the petition, and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: <http://www.regulations.gov/>. Then follow the online search instructions to locate docket number "NHTSA-2009-0092."

For further information on this decision, contact Mr. Luis Figueroa, Office of Vehicle Safety Compliance, NHTSA, telephone (202) 366-5298, facsimile (202) 366-7002.

Equipment Involved: Affected are approximately 206 replacement rear windows (National Auto Glass Specifications (NAGS) part number FB22692GTY) for model year 2006 through 2009 Honda Civic two-door coupe passenger cars that were manufactured at Pilkington's Versailles, Kentucky plant on April 16, 2008.

Summary of Pilkington's Analysis and Arguments: Pilkington explains that the noncompliance for the 205 replacement rear windows exists due to Pilkington's failure to label the replacement rear windows with the marks required by section 7 of ANSI/SAE Z26.1-1996, the symbol "DOT," and its NHTSA assigned manufacturer code mark. As of the time of the petition,

Paragraphs S6.2 and S6.3 of FMVSS No. 205 require in pertinent part:

S6.2 A prime glazing manufacturer certifies its glazing by adding to the marks required by section 7 of ANSI/SAE Z26.1 1996, in letters and numerals of the same size, the symbol "DOT" and a manufacturer's code mark that NHTSA assigns to the manufacturer. NHTSA will assign a code mark to a manufacturer after the manufacturer submits a written request to the Office of Vehicle Safety Compliance, National Highway Traffic Safety Administration, * * *

S6.3 A manufacturer or distributor who cuts a section of glazing material to which this standard applies, for use in a motor vehicle or camper, must (a) Mark that material in accordance with section 7 of ANSI/SAE Z26.1 1996; and

(b) Certify that its product complies with this standard in accordance with 49 U.S.C. 30115.

Pilkington states that it believes that this noncompliance is inconsequential to motor vehicle safety for the following reasons:

(1) The noncompliances relate solely to product monograms or markings and the noncompliant rear windows. Pilkington has tested a number of the parts in its possession and confirmed that they meet or exceed all other applicable performance requirements in FMVSS No. 205.

(2) NHTSA has previously granted other exemptions for noncompliant product labeling. In the past, the agency has recognized that the failure to meet labeling requirements often is inconsequential to motor vehicle safety.

(3) The information contained in the noncompliant product markings is not required in order for consumers to operate their vehicles safely.

Pilkington also stated its belief that the noncompliance will not interfere with any future tracing of the windows because Pilkington is only one of three manufacturers of rear windows for this particular Honda Civic, the other two being PGW (Pittsburgh Glass Works, formerly known as PPG) and Auto Temp, Inc. Given that the windows produced by the two other manufacturers will be properly marked, Pilkington's unlabeled rear windows should easily be identified and traced, if necessary, should any future defects or noncompliances be discovered.

Discussion: NHTSA has reviewed and accepts Pilkington's analyses that this noncompliance is inconsequential to motor vehicle safety. Pilkington has provided documentation that the windows do comply with all other safety performance requirements of the standard, except the labeling. This documentation is a surrogate for the certification labeling. NHTSA believes that the lack of labeling would not result in inadvertent replacement of the windows with the wrong glazing. Broken tempered glass can readily be identified as tempered glass, rather than plastic or laminated glass. Anyone who intended to replace the window with an identical tempered glass window would have to contact Pilkington for the proper part, since tempered glass windows cannot be easily manufactured by small field facilities. At that point, Pilkington, or their representative, would be able to provide the correct replacement window by use of their parts system.

NHTSA Decision: In consideration of the foregoing, NHTSA has decided that Pilkington has met its burden of persuasion that the FMVSS No. 205

noncompliance in the noncompliant windows described in Pilkington's Noncompliance Information Report is inconsequential to motor vehicle safety. Accordingly, Pilkington's petition is hereby granted and the petitioner is exempted from the obligation of providing notification of, and a remedy for, that noncompliance under 49 U.S.C. 30118 and 30120.

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, this decision only applies to the 206 noncompliant windows that Pilkington no longer controlled at the time that it determined that a noncompliance existed in the subject vehicles.

Authority: 49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.95 and 501.8.

Issued On: April 11, 2013.

Claude H. Harris,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2013-08955 Filed 4-16-13; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2010-0177; Notice 2]

OSRAM SYLVANIA Products, Inc.; Grant of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Grant of Petition.

SUMMARY: OSRAM SYLVANIA Products, Inc., (OSRAM SYLVANIA), has determined that certain Type "H11 C" light sources that it manufactured fail to meet the requirements of paragraph S7.7 of Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, Reflective Devices, and Associated Equipment*. OSRAM SYLVANIA has filed an appropriate report pursuant to 49 CFR Part 573, *Defect and Noncompliance Responsibility and Reports*, dated August 24, 2010.

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), OSRAM SYLVANIA has petitioned for an exemption from the

notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety. Notice of receipt of the petition was published, with a 30-day public comment period, on January 25, 2011 in the **Federal Register** (76 FR 4420). No comments were received. To view the petition, and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: <http://www.regulations.gov/>. Then follow the online search instructions to locate docket number "NHTSA-2010-0177."

For further information on this decision contact Mr. Michael Cole, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366-2334, facsimile (202) 366-7002.

Lamps Involved: OSRAM SYLVANIA estimates that approximately 28,412 "H11 C" light sources (bulbs) that it manufactured on June 23 and 24, 2010 are affected. All of the affected light sources were manufactured by OSRAM GmbH, Industriestrasse, Herbrechtingen, Germany.

Summary of Osram Sylvania's Analysis and Arguments: OSRAM SYLVANIA described the noncompliance as the mismarking of type "H11 C" lighting sources as type "H11."

In its petition OSRAM SYLVANIA argues that the noncompliance is inconsequential to motor vehicle safety for the following reasons:

(1) The noncompliance in this case pertains solely to the failure of the subject light sources to meet the applicable marking requirements.

(2) "H11 C" light sources are designed to be completely interchangeable with the original "H11" light sources. When Philips Lighting B.V., submitted its modification to the "H11" light source specification that became the "H11 C" specification it certified that use of the "H11 C" light source will not create a noncompliance with any requirement of FMVSS No. 108 when used to replace an "H11" light source in a headlamp certified by its manufacturer as conforming to all applicable Federal motor vehicle safety standards. Subject "H11 C" light sources are designed to conform to Part 564 Docket NHTSA 98-3397-81 including the additional requirements under paragraph IX. In other words, inadvertent installation of a subject "H11 C" light source in place of an "H11" light source—or vice versa—will not create a noncompliance with any of the performance or interchangeability requirements of FMVSS No. 108 (including beam pattern

photometrics) or otherwise present an increased risk to motor vehicle safety.

(3) "H11 C" light sources have the same filament position, dimension and tolerances, capsule and capsule support dimensions, bulb base interchangeability dimensions, seal specifications, and electrical specifications as the "H11." The only difference between the "H11" light source and the "H11 C" light source is that the "H11 C" provides for the light transmitting portion of the glass wall to incorporate a color controlling optical filter in order to improve visibility.¹

(4) The agency has concluded in previous similar petitions that a noncompliance is inconsequential when mismarked light sources are otherwise fully compliant with the performance requirements of the standard.

Supported by the above stated reasons, OSRAM SYLVANIA believes that the described FMVSS No. 108 noncompliance is inconsequential to motor vehicle safety, and that its petition, to exempt it from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120, should be granted.

Discussion: NHTSA has reviewed and accepts OSRAM SYLVANIA's analyses that this noncompliance is inconsequential to motor vehicle safety. The "H11 C" light source is a design that is completely interchangeable with the original "H11" light source. The "H11 C" light sources have the same filament position, dimension and tolerances, capsule and capsule support dimensions, bulb base interchangeability dimensions, seal specifications, and electrical specifications as the "H11." As such, NHTSA agrees that inadvertent installation of a mismarked "H11 C" light source in place of an "H11" light source—or vice versa—would not create a noncompliance with any of the headlamp performance requirements of FMVSS 108 or otherwise present an increased risk to motor vehicle safety.

NHTSA Decision: In consideration of the foregoing, NHTSA has decided that OSRAM SYLVANIA has met its burden of persuasion that the FMVSS No. 108 noncompliance in the lamps identified in OSRAM SYLVANIA's Noncompliance Information Report and is inconsequential to motor vehicle safety. Accordingly, OSRAM SYLVANIA's petition is granted and the petitioner is exempted from the

¹ Petition for "H11 C" Replaceable Light Sources Listing, Docket NHTSA 98-3397-81, November 1, 2007.

obligation of providing notification of, and a remedy for, that noncompliance under 49 U.S.C. 30118 and 30120.

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, this decision only applies to the lamps that OSRAM SYLVANIA no longer controlled at the time that it determined that a noncompliance existed in the subject vehicles.

Authority: (49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.95 and 501.8)

Issued On: April 11, 2013.

Claude H. Harris,

Director, Office of Vehicle Safety Compliance.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2013-0031, Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming 1991 Volkswagen Transporter Multi-Purpose Vehicles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that nonconforming 1991 Volkswagen Transporter Multi-Purpose Passenger Vehicles that were not originally manufactured to comply with all applicable Federal Motor Vehicle Safety Standards (FMVSS), are eligible for importation into the United States because they are substantially similar to vehicles that were originally manufactured for sale in the United States and that were certified by their manufacturer as complying with the safety standards (1991 Volkswagen Vanagon Multi-Purpose Passenger Vehicles) and they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is May 17, 2013.