I. Overview
CGM has determined that certain laminated glass parts do not fully comply with Federal motor vehicle safety standard (FMVSS) No. 205, Glazing Materials. Guardian filed two noncompliance reports dated April 15, 2020 and December 14, 2018 CGM petitioned NHTSA on May 23, 2018, and December 20, 2018, for a decision that the subject noncompliances are inconsequential as they relate to motor vehicle safety. This document announces receipt of CGM’s petitions.

DATES: The closing date for comments on the petition is December 10, 2020.

II. Equipment Involved
Approximately 223 laminated windshields manufactured on March 8, 2018, and shipped to IC Corp Tulsa Bus Plant for installation into Navistar buses are potentially involved.

Approximately 1,390 bus door window panes, manufactured between November 1, 2017 and March 29, 2018, are potentially involved. The window panes were sold to Vapor Bus for use in the fabrication of bus doors. Vapor Bus subsequently shipped the bus doors to Nova Bus for installation in their buses.

III. Noncompliance
CGM explained that the noncompliance is that the markings on the subject laminated glass panes do not fully meet the requirements specified in paragraph S6 of FMVSS No. 205. Specifically, the laminated glass panes shipped to IC Corp Tulsa Bus Plant were marked AS–2, when they should have been marked AS–1 and the bus window panes sold to Nova Bus were marked AS–S, when they should have been marked AS–2.

IV. Rule Requirements
Paragraph S6 of FMVSS No. 205 includes the requirements relevant to this petition. A manufacturer or distributor who cuts a section of glazing material, to which FMVSS No. 205 applies, for use in a motor vehicle or
V. Summary of CGM’s Petitions

The following views and arguments presented in this section, V. Summary of CGM’s Petitions, are the views and arguments provided by CGM. They have not been evaluated by the Agency and do not reflect the views of the Agency. The petitioner described the subject noncompliances and stated their belief that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of their petitions, CGM submitted the following reasoning:

1. The laminated glass parts are affixed with the CGM trademark and the correct DOT number and M number.
2. Although the laminated glass parts are affixed with the misprinted AS number, the glass construction from which the laminated glass parts were fabricated is in full compliance with the technical requirements that 49 CFR 571.205 as it currently applies to laminated glass for use in a motor vehicle. In no way is the actual safety aspect of the laminated glass compromised by the misprinted AS number.
3. Despite the misprinted AS number being affixed to the laminated glass parts described herein, the correct parts were sold and shipped to Navistar and Nova Bus for use as windscreens and door windows.
4. CGM asserts that the noncompliance reported herein could not result in the wrong part being used in an OEM application, given that the part would be ordered by its unique part number and not the “M number” (which corresponds to the glass construction from which the part is fabricated). The parts are also easily traceable back to CGM via their unique DOT number.

CGM concluded by expressing the belief that the subject noncompliances are inconsequential as they relate to motor vehicle safety, and that their petitions 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.

CGM’s complete petitions and all supporting documents are available by logging onto the Federal Docket Management System (FDMS) website at: https://www.regulations.gov, following the online search instructions to locate the docket numbers listed in the title 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 these petitions only applies to the subject equipment that CGM no longer controlled at the time it determined that the noncompliances existed. However, any decision on these petitions does not relieve equipment distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant equipment under their control after CGM notified them that the subject noncompliance existed.

Otto G. Matheke III, Director, Office of Vehicle Safety Compliance.
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DEPARTMENT OF TRANSPORTATION
National Highway Traffic Safety Administration
[Docket No. NHTSA–2017–0097; Notice 2]
General Motors, LLC, Denial of Petition for Decision of Inconsequential Noncompliance


ACTION: Denial of petition.

SUMMARY: General Motors, LLC (GM), has determined that the seat belt assemblies in certain model year (MY) 2017–2018 Chevrolet Silverado heavy duty and GMC Sierra heavy duty motor vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 209, Seat Belt Assemblies. GM filed a noncompliance report dated September 14, 2017, and amended it on September 22, 2017, pursuant to 49 CFR part 573, Defect and Noncompliance Responsibility and Reports. GM also petitioned NHTSA on October 6, 2017, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, Exemption for Inconsequential Defect or Noncompliance.

Notice of receipt of GM’s petition was published, with a 30-day public comment period, on January 10, 2018, in the Federal Register (83 FR 1282). No comments were received. To view the petition and all supporting documents, log onto the Federal Docket Management System (FDMS) website at: http://www.regulations.gov/. Then follow the online search instructions to locate docket number “NHTSA–2017–0097.”

II. Vehicles Involved

This petition concerns approximately 38,048 MY 2017–2018 Chevrolet Silverado heavy duty and GMC Sierra heavy duty (Gross Vehicle Weight Rating (GVWR) of 9,300–13,400 lbs) motor vehicles, manufactured between July 18, 2016, and August 7, 2017. The double cab versions of the subject vehicles are not included in this petition.

III. Noncompliance

GM explains the noncompliance as seat belt assemblies that do not conform to the upper-torso seat belt elongation requirements specified in paragraph S.4.4(b)(5) of FMVSS No. 209. Specifically, the seat belt assemblies were built with load-limiting torsion bars measuring 9.5 mm in diameter on the driver side and 8.0 mm on the passenger side, instead of 12 mm for both sides as specified by GM.