

§ 555.9

49 CFR Ch. V (10–1–24 Edition)

substantial economic hardship terminates according to its terms but not later than 2 years after the date of issuance unless terminated sooner pursuant to paragraph (d) of this section.

(c) Any interested person may petition for the termination or modification of an exemption granted under this part. The petition will be processed in accordance with the procedures of part 552 of this chapter.

(d) The Administrator terminates or modifies a temporary exemption if he determines that—

(1) The temporary exemption is no longer consistent with the public interest and the objectives of the Act; or

(2) The temporary exemption was granted on the basis of false, fraudulent, or misleading representations or information.

(e) If an application for renewal of a temporary exemption that meets the requirements of § 555.5 has been filed not later than 60 days before the termination date of an exemption, the exemption does not terminate until the Administrator grants or denies the application for renewal.

(f) The Administrator publishes in the FEDERAL REGISTER a notice of:

(1) An application for termination or modification of an exemption and the action taken in response to it; and

(2) Any termination or modification of an exemption pursuant to the Administrator's own motion.

[38 FR 2694, Jan. 29, 1973, as amended at 39 FR 37989, Oct. 25, 1974; 40 FR 42015, Sept. 10, 1975; 64 FR 2861, Jan. 19, 1999]

§ 555.9 Temporary exemption labels.

A manufacturer of an exempted vehicle shall—

(a) Submit to the Administrator, within 30 days after receiving notification of the grant of an exemption, a sample of the certification label required by part 567 of this chapter and paragraph (c) of this section;

(b) Affix securely to the windshield or side window of each exempted vehicle a label in the English language containing the statement required by paragraph (c)(1) or (2) of this section, and with the words "Shown above" omitted.

(c) Meet all applicable requirements of part 567 of this chapter, except that—

(1) The statement required by § 567.4(g)(5) of this chapter shall end with the phrase "except for Standards Nos. [listing the standards by number and title for which an exemption has been granted] exempted pursuant to NHTSA Exemption No. _____."

(2) Instead of the statement required by § 567.5(c)(7)(iii), the following statement shall appear:

THIS VEHICLE CONFORMS TO ALL APPLICABLE FEDERAL MOTOR VEHICLE SAFETY (AND BUMPER) STANDARDS IN EFFECT IN [Month, Year] EXCEPT FOR STANDARD NOS. [Listing the standards by number and title for which an exemption has been granted] EXEMPTED PURSUANT TO NHTSA EXEMPTION NO. _____.

(Authority: Secs. 114, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1403, 1408); sec. 3, Pub. L. 92–548, 86 Stat. 1159 (15 U.S.C. 1410); secs. 102, 105, Pub. L. 92–513, 86 Stat. 947 (15 U.S.C. 1912, 1915); delegations of authority at 49 CFR 1.50 and 501.8)

[38 FR 2694, Jan. 29, 1973, as amended at 50 FR 10772, Mar. 18, 1985; 60 FR 1750, Jan. 5, 1995]

§ 555.10 Availability for public inspection.

(a) Information relevant to an application under this part, including the application and supporting data, memoranda of informal meetings with the applicant or any other interested person, and the grant or denial of the application, is available for public inspection, except as specified in paragraph (b) of this section, in Room PL-401 (Docket Management), 400 Seventh Street, SW., Washington, DC 20590. Copies of available information may be obtained, as provided in part 7 of the regulations of the Office of the Secretary of Transportation (49 CFR part 7).

(b) Except for the release of confidential information authorized by part 512 of this chapter, information made available for inspection under paragraph (a) shall not include materials not relevant to the petition for which confidentiality is requested and granted in accordance with 49 U.S.C. 30166

and 30167 and section 552(b) of title 5 of the U.S.C.).

[38 FR 2694, Jan. 29, 1973, as amended at 46 FR 2064, Jan. 8, 1981; 48 FR 44081, Sept. 27, 1983; 63 FR 44173, Aug. 18, 1998; 64 FR 2862, Jan. 19, 1999]

Subpart B—Vehicles Built in Two or More Stages and Altered Vehicles

SOURCE: 70 FR 7429, Feb. 14, 2005, unless otherwise noted.

§ 555.11 Application.

This subpart applies to alterers and manufacturers of motor vehicles built in two or more stages to which one or more standards are applicable. No manufacturer or alterer that produces or alters a total exceeding 10,000 motor vehicles annually shall be eligible for a temporary exemption under this subpart. Any exemption granted under this subpart shall be limited, per manufacturer, to 2,500 vehicles to be sold in the United States in any 12 consecutive month period. Incomplete vehicle manufacturers and intermediate manufacturers that do not intend to certify the vehicles in accordance with 49 CFR 567.5(f) or (g), and instead furnish Incomplete Vehicle Documents to final-stage manufacturers in accordance with 49 CFR 568.4 or 49 CFR 568.5, are not eligible for temporary exemptions under this subpart.

[71 FR 28196, May 15, 2006]

§ 555.12 Petition for exemption.

An alterer; an incomplete vehicle manufacturer intending to certify the vehicle in accordance with 49 CFR 567.5(f); an intermediate manufacturer intending to certify the vehicle in accordance with 49 CFR 567.5(g); a final-stage manufacturer; or an industry trade association representing a group of alterers, incomplete vehicle manufacturers, intermediate manufacturers and/or final-stage manufacturers may seek, as to any vehicle configuration altered and/or built in two or more stages, a temporary exemption or a renewal of a temporary exemption from any performance requirement for which a Federal motor vehicle safety standard specifies the use of a dynamic test procedure to determine compli-

ance. Each petition for an exemption under this section must be submitted to NHTSA and must:

(a) Be written in the English language;

(b) Be submitted in three copies to: Administrator, National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, DC 20590;

(c) State the full name and address of the applicant, the nature of its organization (e.g., individual, partnership, corporation, or trade association), the name of the State or country under the laws of which it is organized, and the name of each alterer, incomplete vehicle manufacturer, intermediate manufacturer and/or final-stage manufacturer for which the exemption is sought;

(d) State the number, title, paragraph designation, and the text or substance of the portion(s) of the standard(s) from which the exemption is sought;

(e) Describe by type and use each vehicle configuration (or range of vehicle configurations) for which the exemption is sought;

(f) State the estimated number of units of each vehicle configuration to be produced annually by each of the manufacturer(s) for whom the exemption is sought;

(g) Specify any part of the information and data submitted that the petitioner requests be withheld from public disclosure in accordance with part 512 of this chapter, as provided by § 555.5(b)(6).

(1) The information and data which petitioner requests be withheld from public disclosure must be submitted in accordance with § 512.4 of this chapter.

(2) The petitioner's request for withholding from public disclosure must be accompanied by a certification in support as set forth in appendix A to part 512 of this chapter.

[71 FR 28196, May 15, 2006]

§ 555.13 Basis for petition.

The petition shall:

(a) Discuss any factors (e.g., demand for the vehicle configuration, loss of market, difficulty in procuring goods and services necessary to conduct dynamic tests) that the applicant desires NHTSA to consider in deciding whether