

**PART 556—EXEMPTION FOR IN-
CONSEQUENTIAL DEFECT OR
NONCOMPLIANCE**

Sec.

556.1 Scope.

556.2 Purpose.

556.3 Application.

556.4 Petition for exemption.

556.5 Processing of petition.

556.6 Meetings.

556.7 Disposition of petition.

556.8 Rescission of decision.

556.9 Public inspection of relevant information.

AUTHORITY: Sec. 157, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegation of authority at 49 CFR 1.50.

SOURCE: 42 FR 7145, Feb. 7, 1977, unless otherwise noted.

§ 556.1 Scope.

This part sets forth procedures, pursuant to section 157 of the Act, for exempting manufacturers of motor vehicles and replacement equipment from the Act's notice and remedy requirements when a defect or noncompliance is determined to be inconsequential as it relates to motor vehicle safety.

§ 556.2 Purpose.

The purpose of this part is to enable manufacturers of motor vehicles and replacement equipment to petition the NHTSA for exemption from the notification and remedy requirements of the Act due to the inconsequentiality of the defect or noncompliance as it relates to motor vehicle safety, and to give all interested persons an opportunity for presentation of data, views, and arguments on the issues of inconsequentiality.

§ 556.3 Application.

This part applies to manufacturers of motor vehicles and replacement equipment.

§ 556.4 Petition for exemption.

(a) A manufacturer who has determined the existence, in a motor vehicle or item of replacement equipment that he produces, of a defect related to motor vehicle safety or a noncompliance with an applicable Federal motor vehicle safety standard, or who has received notice of an initial determina-

tion by the NHTSA of the existence of a defect related to motor vehicle safety or a noncompliance, may petition for exemption from the Act's notification and remedy requirements on the grounds that the defect or noncompliance is inconsequential as it relates to motor vehicle safety.

(b) Each petition submitted under this part shall—

(1) Be written in the English language;

(2) Be submitted in three copies to: Administrator, National Highway Traffic Safety Administration, Washington, DC 20590;

(3) State the full name and address of the applicant, the nature of its organization (e.g., individual, partnership, or corporation) and the name of the State or country under the laws of which it is organized.

(4) Describe the motor vehicle or item of replacement equipment, including the number involved and the period of production, and the defect or noncompliance concerning which an exemption is sought; and

(5) Set forth all data, views, and arguments of the petitioner supporting his petition.

(6) Be accompanied by three copies of the report the manufacturer has submitted, or is submitting, to NHTSA in accordance with part 573 of this chapter, relating to its determination of the existence of safety related defect or noncompliance with an applicable safety standard that is the subject of the petition.

(c) In the case of defects related to motor vehicle safety or noncompliances determined to exist by a manufacturer, petitions under this part must be submitted not later than 30 days after such determination. In the case of defects related to motor vehicle safety or noncompliances initially determined to exist by the NHTSA, petitions must be submitted not later than 30 days after notification of the determination has been received by the manufacturer. Such a petition will not constitute a concession by the manufacturer of, nor will it be considered relevant to, the existence of a defect

§ 556.5

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 necessarily based exclusively on the record of the meeting.

(c) The Administrator designates a representative to conduct any meeting

49 CFR Ch. V (10–1–23 Edition)

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]