

§ 557.6

Such a document will be treated according to the existing correspondence and other procedures of the NHTSA, and any information contained in it will be considered at the discretion of the Administrator.

§ 557.6 Determination whether to hold a public hearing.

(a) The Administrator considers the following factors in determining whether to hold a hearing:

- (1) The nature of the complaint;
- (2) The seriousness of the alleged breach of obligation to remedy;
- (3) The existence of similar complaints;
- (4) The ability of the NHTSA to resolve the problem without holding a hearing; and
- (5) Other pertinent matters.

(b) If, after considering the above factors, the Administrator determines that a hearing should be held, the petition is granted. If it is determined that a hearing should not be held, the petition is denied. In either case, the petitioner is notified of the grant or denial not more than 60 days after receipt of the petition by the NHTSA.

(c) If a petition submitted under this part is denied, a FEDERAL REGISTER notice of the denial is issued within 45 days of the denial, setting forth the reasons for it.

(d) The Administrator may conduct a hearing under this part on his own motion.

§ 557.7 Public hearing.

If the Administrator decides that a public hearing under this part is necessary, he issues a notice of public hearing in the FEDERAL REGISTER, to advise interested persons of the time, place, and subject matter of the public hearing and invite their participation. Interested persons may submit their views through oral or written presentation, or both. There is no cross-examination of witnesses. A transcript of the hearing is kept and exhibits may be accepted as part of the transcript. Sections 556 and 557 of title 5, U.S.C., do not apply to hearings held under this part. When appropriate, the Chief Counsel designates a member of his staff to serve as legal officer at the hearing.

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§ 557.8 Determination of manufacturer's obligation.

If the Administrator determines, on the basis of the information presented at a hearing or any other information that is available to him, that the manufacturer has not reasonably met his obligation to notify owners, dealers, and purchasers 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, he orders the manufacturer to take specified action to comply with his obligation, consistent with the authority granted the Administrator by the Act.

PART 564—REPLACEABLE LIGHT SOURCE INFORMATION

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APPENDIX A TO PART 564—INFORMATION TO BE SUBMITTED FOR REPLACEABLE LIGHT SOURCES

APPENDIX B TO PART 564—INFORMATION TO BE SUBMITTED FOR LONG LIFE REPLACEABLE LIGHT SOURCES OF LIMITED DEFINITION

AUTHORITY: 49 U.S.C. 322, 30111, 30115, 30117, 30166; delegation of authority at 49 CFR 1.50.

SOURCE: 58 FR 3860, Jan. 12, 1993, unless otherwise noted.

§ 564.1 Scope.

This part requires the submission of dimensional, electrical specification, and marking/designation information, as specified in Appendix A and Appendix B of this part, for original equipment replaceable light sources used in motor vehicle headlighting systems.

[61 FR 20500, May 7, 1996]

§ 564.2 Purposes.

The purposes of this part are achieved through its Appendices:

(a) The purposes of Appendix A of this part are to ensure

(1) The availability to replacement light source manufacturers of the manufacturing specifications of original

equipment light sources so that replacement light sources are interchangeable with original equipment light sources and provide equivalent performance, and

(2) That redesigned or newly developed light sources are designated as distinct, different, and noninterchangeable with previously existing light sources.

(b) The purposes of Appendix B of this part are to ensure

(1) That original equipment light sources are replaceable and that replacement light sources provide equivalent performance, and

(2) That redesignated or newly developed light sources are designated as distinct, different, and noninterchangeable with previously existing light sources.

[61 FR 20500, May 7, 1996]

§ 564.3 Applicability.

This part applies to replaceable light sources used as original equipment in motor vehicle headlighting systems.

[60 FR 14228, Mar. 16, 1995]

§ 564.4 Definitions.

All terms defined in the Act and the regulations and standards issued under its authority are used as defined therein.

§ 564.5 Information filing; agency processing of filings.

(a) Each manufacturer of a motor vehicle, original equipment headlamp, or original equipment headlamp replaceable light source, which intends to manufacture a replaceable light source as original equipment or to incorporate a replaceable light source in its headlamps or motor vehicles, shall furnish the information specified in Appendix A. If the rated laboratory life of the light source is not less than 2,000 hours, the manufacturer shall furnish the information specified in either Appendix A or Appendix B of this part. Information shall be furnished to: Associate Administrator for Safety Performance Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW, Washington, D.C. 20590. Attention: Part 564—Replaceable Light Source Information (unless the

agency has already filed such information in Docket No. NHTSA 98-3397).

(b) The manufacturer shall submit such information not later than 60 days before it intends to begin the manufacture of the replaceable light source to which the information applies, or to incorporate the light source into a headlamp or motor vehicle of its manufacture. Each submission shall consist of one original set of information and 10 legible reproduced copies, all on 8½ by 11-inch paper.

(c) The Associate Administrator promptly reviews each submission and informs the manufacturer not later than 30 days after its receipt whether the submission has been accepted. Upon acceptance, the Associate Administrator files the information in Docket No. NHTSA 98-3397. The Associate Administrator does not accept any submission that does not contain all the information specified in Appendix A or Appendix B of this part, or whose accompanying information indicates that any new light source which is the subject of a submission is interchangeable with any replaceable light source for which the agency has previously filed information in Docket No. NHTSA 98-3397.

(d) A manufacturer may request modification of a light source for which information has previously been filed in Docket No. NHTSA 98-3397, and the submission shall be processed in the manner provided by § 564.5(c). A request for modification shall contain the following:

(1) All the information specified in Appendix A or Appendix B of this part that is relevant to the modification requested,

(2) The reason for the requested modification,

(3) A statement that use of the light source as modified will not create a noncompliance with any requirement of Motor Vehicle Safety Standard No. 108 (49 CFR 571.108) when used to replace an unmodified light source in a headlamp certified by its manufacturer as conforming to all applicable Federal motor vehicle safety standards, together with reasons in support of the statement; and

(4) Information demonstrating that the modification would not adversely