

and HB2. (Bulb manufacturers tend to use corresponding ANSI trade numbers such as 9004, as well). Each type of replaceable light source is unique in dimensional and electrical design so as not to be interchangeable with another type of replaceable light source. Every replaceable light source must be designed to conform to the marking, dimensional, and electrical specifications applicable to the type of replaceable light source that it replaces. For instance, the replacement light source must have the same (within a tolerance) luminous flux (a measure of light output) as the light source it replaces. When the light source is mounted in a headlamp for that type of light source, the lamp must discharge light in specified directions and intensity levels, to satisfy the same requirements of the standard. If it were otherwise, among other things, the wrong light sources could be placed in headlamps and the light output would be incorrect or improper.

NHTSA'S Analyses: Panda Power argues that the noncompliance is inconsequential to motor vehicle safety, primarily, because the kits were originally intended for sale to the agricultural community and to be placed on tractors and combines, or for off-road vehicles, or for exhibition purposes. NHTSA reviewed the Office Activity file for the original investigation with Panda Power. Excerpts from Panda Powers Web site, dated June 24, 2009, clearly indicate that these items are intended for motor vehicle headlamps. The site displays pictures of numerous passenger cars (e.g., Mercedes Benz, Lexus, Toyota, and Mitsubishi), references other motor vehicles (e.g., BMW), provides a link to Sylvania's replacement bulb guide for motor vehicles, and provides pictures of beam patterns as seen on roadways. It also provides troubleshooting tips for installations on motor vehicles containing daytime running lamps and how to stop lamp flicker when hitting bumps in the road. Because of this information, we find that Panda Powers claim that they sold these items for non-road use to be disingenuous.

Panda Power further states that its products are likely no longer functioning. Regardless of the quality of Panda Power's products, the Motor Vehicle Safety Act requires that manufacturers (defined to include importers) of noncompliant equipment must notify purchasers of the noncompliance (pursuant to 49 U.S.C. 30119) and provide a free remedy (pursuant to 49 U.S.C. 30120). If a free remedy cannot be provided then

repurchase should be initiated in a reasonable time frame.

Panda Power also argues that because it stopped selling the HID conversion kits, it should not be required to conduct a recall and remedy campaign. Among other things, 49 U.S.C. 30112(a) prohibits the importation and sale of noncompliant equipment and Panda Power is compelled to discontinue this practice to prevent further violations of 49 U.S.C. 30112(a), and not as a waiver from the recall and remedy requirements. NHTSA'S Response to Comments: NHTSA received comments from two parties. Both of these parties recommend denying Panda Power's petition.

Daniel J. Stern of the Daniel Stern Lighting Consultancy provided a substantive, practical, and technical argument regarding the effects on headlamp performance when replacing standardized headlamp replaceable light sources with HID conversion kits. Mr. Stern stated that installing HID light sources into headlamps that were designed to accept tungsten-halogen light sources would create an enormous increase in glare light directed towards other road users, and reduce the driver's distance visual acuity due to increased foreground illumination. Mr. Stern also stated that the noncompliance created by Panda Power's HID kits appear to be systemic, pervasive, and substantial, creating a significant safety risk to the motoring public.

Michael F. Turpen, a private citizen, examined archives of Panda Power's Web site using [www.waybackmachine.org](http://www.waybackmachine.org) (a Web site maintained by the Internet Archive, a 501(3)(c) non-profit corporation). He referenced archived pages of Panda Power's Web site that showed its HID Conversion kits installed on motor vehicles, photos of headlamp output on streets in residential neighborhoods, and banners that indicate "offering HID kits for any vehicle."

NHTSA Decision: In consideration of the foregoing, NHTSA has decided that Panda Power has not met its burden of persuasion that the FMVSS No. 108 noncompliances identified in Panda Power's Noncompliance Information Report does not present a significant safety risk resulting from increases in glare when its HID headlamp conversion kits are used in headlamps that were not designed for this type of light source. Therefore, NHTSA does not agree with Panda Power that this specific noncompliance is inconsequential to motor vehicle safety. Accordingly, Panda Power's petition is hereby denied, and the Panda Power must notify owners, purchasers and

dealers pursuant to 49 U.S.C. 30118 and provide a remedy in accordance with 49 U.S.C. 30120.

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

Issued On: June 19, 2013.

**Nancy Lummen Lewis,**

*Associate Administrator for Enforcement.*

[FR Doc. 2013-15470 Filed 6-26-13; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2013-0006; Notice 1]

#### General Motors, LLC, Receipt of Petition for Decision of Inconsequential Noncompliance

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Receipt of Petition.

**SUMMARY:** General Motors, LLC (GM)<sup>1</sup> has determined that certain model year (MY) 2007 through 2013 GM trucks and multipurpose passenger vehicles (MPVs) manufactured from June 19, 2006, through December 6, 2012 do not fully comply with paragraph S4.3 of Federal Motor Vehicle Safety Standard (FMVSS) No. 110, *Tire Selection and Rims for Motor Vehicles with a GVWR of 4,536 Kilograms or less*. GM has filed an appropriate report dated December 19, 2012, pursuant to 49 CFR Part 573, *Defect and Noncompliance Responsibility and Reports*.

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR Part 556), GM submitted a petition 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.

This notice of receipt of GM's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

**Vehicles Involved:** Affected are approximately 5,690: MY 2007 through 2013 Chevrolet Silverado trucks, Suburban MPVs and Tahoe MPVs; MY 2007 through 2013 GMC Sierra trucks; MY 2012 GMC Yukon MPVs; and MY 2007, 2009, 2011, 2012 and 2013 Yukon XL MPV's. The affected vehicles were

<sup>1</sup> General Motors, LLC is a manufacturer of motor vehicles and is registered under the laws of the state of Michigan.

manufactured from June 19, 2006 through December 6, 2012.

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, these provisions only apply to the 5,690<sup>2</sup> vehicles that GM no longer controlled at the time it determined that the noncompliance existed.

RULE TEXT: Paragraph S4.3 of FMVSS No. 110 requires in pertinent part:

S4.3 Placard. Each vehicle, except for a trailer or incomplete vehicle, shall show the information specified in S4.3 (a) through (g), and may show, at the manufacturer's option, the information specified in S4.3 (h) and (i), on a placard permanently affixed to the driver's side B-pillar. In each vehicle without a driver's side B-pillar and with two doors on the driver's side of the vehicle opening in opposite directions, the placard shall be affixed on the forward edge of the rear side door. If the above locations do not permit the affixing of a placard that is legible, visible and prominent, the placard shall be permanently affixed to the rear edge of the driver's side door. If this location does not permit the affixing of a placard that is legible, visible and prominent, the placard shall be affixed to the inward facing surface of the vehicle next to the driver's seating position. This information shall be in the English language and conform in color and format, not including the border surrounding the entire placard, as shown in the example set forth in Figure 1 in this standard. At the manufacturer's option, the information specified in S4.3 (c), (d), and, as appropriate, (h) and (i) may be shown, alternatively to being shown on the placard, on a tire inflation pressure label which must conform in color and format, not including the border surrounding the entire label, as shown in the example set forth in Figure 2 in this standard. The label shall be permanently affixed and proximate to the placard required by this paragraph. The information specified in S4.3 (e) shall be shown on both the vehicle placard and on the tire inflation pressure label (if such a label is affixed to provide the information specified in S4.3 (c), (d), and, as appropriate, (h) and (i)) may be shown in the format and color scheme set forth in Figures

<sup>2</sup> GM's petition, which was filed under 49 CFR Part 556, requests an agency decision to exempt GM as a motor vehicle manufacturer from the notification and recall responsibilities of 49 CFR Part 573 for the affected vehicles. However, a decision on this petition cannot relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, introduction or delivery for introduction into interstate commerce of the noncompliant motor vehicles under their control after GM notified them that the subject noncompliance existed.

1 and 2. If the vehicle is a motor home and is equipped with a propane supply, the weight of full propane tanks must be included in the vehicle's unloaded vehicle weight. If the vehicle is a motor home and is equipped with an on-board potable water supply, the weight of such on-board water must be treated as cargo . . .

(b) Designated seated capacity (expressed in terms of total number of occupants and number of occupants for each front and rear seat location) \* \* \*

Summary of Gm's Analyses: GM explains that the noncompliance is that the subject vehicles are equipped with special equipment options 9S1 & 9U3 and are built with 2 front seating positions separated by floor space. However, the tire and loading placards incorrectly indicate that the vehicles have 3 front seating positions and therefore do not fully comply with paragraph S4.3 of FMVSS No. 110.

GM further stated that the error resulted in the following condition on the subject placards of these vehicles:

- The seating capacity for the front row seat is incorrectly shown as 3 instead of 2.
- The total seating capacity is overstated by 1. For example, the total seating capacity is incorrectly shown as 3 instead of 2 for the vehicles with one row of seats, and as 6 instead of 5 for the vehicles with two rows of seats.
- The vehicle capacity weight (expressed as a combined weight of occupants and cargo) on the placard is correct. The seating capacity error has no impact on the vehicle capacity weight.
- All other information (front, rear and spare tire size designations and their respective cold tire inflation pressures as well as vehicle capacity weight) on the subject placards is correct.

GM stated its belief that this noncompliance is inconsequential to motor vehicle safety for the following reasons:

1. The subject vehicles are equipped with two bucket seats with one seat belt each in the front row. GM believes that the number of seats and the number of seat belts installed in the vehicle will clearly indicate to the customers the actual seating capacity, and it will be apparent to any observer that there are only two front seating positions. Even if an occupant references the tire information placard to determine the vehicle's seating capacity, it will be readily apparent that the front row seating capacity is 2 and not 3.

2. The vehicle capacity weight (expressed as a combined weight of occupants and cargo) on the placard is correct. The seating capacity error has

no impact on the vehicle capacity weight, and therefore, there is no risk of vehicle overloading.

3. All information required for maintaining and/or replacing the front and rear tires is correct on the tire information placard of the subject vehicles.

4. All other applicable requirements of FMVSS No. 110 have been met.

5. GM is not aware of any customer complaints, incidents or injuries related to the incorrect seating capacity on the subject tire information placards.

GM additionally informed NHTSA that it has corrected the noncompliance so that all future production vehicles will fully comply with FMVSS No. 110.

In summation, GM believes that the described noncompliance of its vehicles is inconsequential to motor vehicle safety, and that its petition, to exempt 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.

*Comments:* Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods:

a. By mail addressed to: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

b. By hand delivery to U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.

c. Electronically: By logging onto the Federal Docket Management System (FDMS) Web site at <http://www.regulations.gov/>. Follow the online instructions for submitting comments. Comments may also be faxed to 1-202-493-2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to <http://www.regulations.gov/>.

[www.regulations.gov](http://www.regulations.gov), including any personal information provided.

Documents submitted to a docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at <http://www.regulations.gov> by following the online instructions for accessing the dockets. DOT's complete Privacy Act Statement is available for review in the **Federal Register** published on April 11, 2000, (65 FR 19477–78).

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

Comment Closing Date: July 29, 2013.

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

Issued On: June 24, 2013.

**Claude H. Harris,**

*Director, Office of Vehicle Safety Compliance.*

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**BILLING CODE 4910–59–P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2013–0084]

#### Pipeline Safety: Information Collection Activities, Revisions to Incident and Annual Reports for Gas Pipeline Operators

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, PHMSA invites comments on an information collection under Office of Management and Budget (OMB) Control No. 2137–0522, titled “Incident and Annual Reports for Gas Pipeline Operators.” PHMSA is preparing to revise seven forms which are included in this information collection. These forms include: PHMSA F 7100.1 Incident Report—Gas Distribution System; PHMSA F 7100.1–2 Mechanical Fitting Failure Report Form for Calendar Year 20\_\_ for Distribution Operators; PHMSA F 7100.2 Incident Report—

Natural and Other Gas Transmission and Gathering Pipeline Systems; PHMSA F 7100.2–1 Annual Report for Calendar Year 20\_\_ Natural and Other Gas Transmission and Gathering Pipeline Systems; PHMSA F 7100.3 Incident Report—Liquefied Natural Gas Facilities; and PHMSA F 7100.3–1 Annual Report for Calendar Year 20\_\_ Liquefied Natural Gas Facilities. In accordance with the Paperwork Reduction Act of 1995, PHMSA invites comments on the proposed revisions to these forms and instructions.

**DATES:** Interested persons are invited to submit comments on or before August 26, 2013.

**ADDRESSES:** Comments may be submitted in the following ways:

*E-Gov Web site:* <http://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency.

*Fax:* 1–202–493–2251.

*Mail:* Docket Management Facility; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590–0001.

*Hand Delivery:* Room W12–140 on the ground level of DOT, West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

*Instructions:* Identify the docket number, PHMSA–2013–0084, at the beginning of your comments. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. You should know that anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). Therefore, you may want to review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477) or visit <http://www.regulations.gov> before submitting any such comments.

*Docket:* For access to the docket or to read background documents or comments, go to <http://www.regulations.gov> at any time or to Room W12–140 on the ground level of DOT, West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. If you wish to receive confirmation of receipt of your written comments, please include a self-addressed,

stamped postcard with the following statement: “Comments on: PHMSA–2013–0084.” The Docket Clerk will date stamp the postcard prior to returning it to you via the U.S. mail. Please note that due to delays in the delivery of U.S. mail to Federal offices in Washington, DC, we recommend that persons consider an alternative method (internet, fax, or professional delivery service) of submitting comments to the docket and ensuring their timely receipt at DOT.

**FOR FURTHER INFORMATION CONTACT:** Angela Dow by telephone at 202–366–1246, by email at [Angela.Dow@dot.gov](mailto:Angela.Dow@dot.gov), by fax at 202–366–4566, or by mail at DOT, PHMSA, 1200 New Jersey Avenue SE., PHP–30, Washington, DC 20590–0001.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Section 1320.8(d), Title 5, Code of Federal Regulations, requires PHMSA to provide interested members of the public and affected agencies an opportunity to comment on information collection and recordkeeping requests. This notice identifies an information collection request that PHMSA will be submitting to OMB for revision. The information collection expires February 28, 2014, and is identified under OMB Control No. 2137–0522, titled: “Incident and Annual Reports for Gas Pipeline Operators.” PHMSA is considering the revision of the seven forms that are contained within this information collection. The revisions to each of the forms are described below.

##### *A. Gas Distribution Incident Report (PHMSA F. 7100.1)*

PHMSA intends to revise the PHMSA F 7100.1 Incident Report—Gas Distribution System Form (GD Incident Report Form) by adding a pipe material type, adding a commodity type, changing system types, removing a system type, requiring additional fields, and revising the instructions. Background for these topics is as follows:

##### 1. Adding Pipe Material Type of Reconditioned Cast Iron

PHMSA recognizes that reconditioned cast iron pipe may be used in gas distribution systems. This new pipe material type will be added as an option in part C4.

##### 2. Adding Commodity of Landfill Gas

PHMSA recognizes that gas distribution pipelines may transport gas produced in landfills. In order to differentiate this type of gas, the