

Waiver of FAA Requirement for Each Customer To Sign a Reciprocal Waiver of Claims

The FAA waives 14 CFR 440.17, which requires a licensee to enter into a reciprocal waiver of claims with each of its customers with respect to NanoRacks and the SSEP participants for the September 2013 Antares launch.

In 1988, as part of a comprehensive financial responsibility and risk sharing regime that protects launch participants and the U.S. Government from the risks of catastrophic loss and litigation, Congress required that all launch participants agree to waive claims against each other for their own property damage or loss, and to cover losses experienced by their own employees. 51 U.S.C. 50915(b). This part of the regime was intended to relieve launch participants of the burden of obtaining property insurance by having each party be responsible for the loss of its own property and to limit the universe of claims that might arise as a result of a launch. H. Rep. 100-639, at 11-12 (1988); S. Rep. 100-593, at 14, (1988); *Financial Responsibility Requirements for Licensed Launch Activities, Notice of Proposed Rulemaking*, 61 FR 38992, 39011 (Jul. 25, 1996). The FAA's implementing regulations may be found at 14 CFR part 440.

In its request for a waiver, Orbital submits that the NASA Space Act Agreement reciprocal waivers of claims imposed on NanoRacks and the SSEP participants are equivalent to the requirements imposed on each customer under the FAA's requirements of 14 CFR part 440. A comparison of the two regimes shows that in this particular situation the two sets of cross-waivers are sufficiently similar that the statutory goals of 51 U.S.C. 50914(b) will be met by the FAA agreeing to accept the NASA cross-waivers in this instance.

The FAA cross-waivers require the launch participants, including the U.S. Government and each customer, and their respective contractors and subcontractors, to waive and release claims against all the other parties to the waiver and agree to assume financial responsibility for property damage sustained by that party and for bodily injury or property damage sustained by the party's own employees, and to hold harmless and indemnify each other from bodily injury or property damage sustained by their respective employees resulting from the licensed activity, regardless of fault. 14 CFR 440.17(b) and

(c). Each party⁵ to the cross-waiver must indemnify the other parties from claims by the indemnifying party's contractors and subcontractors if the indemnifying party fails to properly extend the requirements of the cross-waivers to its contractors and subcontractors. 14 CFR 440.17(d). A comparison of each element shows that, although there are some differences, because the NASA cross-waiver signed by NanoRacks is consistent with Congressional intent and the FAA's regulations, because relevant employees will not be present at the launch site, and because the Orbital cross-waiver submitted to the FAA has been amended to protect non-signing customers, NanoRacks and the SSEP participants need not sign a cross-waiver under 14 CFR part 440.

For the reasons stated in the waiver the FAA published for SpaceX on October 16, 2012,⁶ and for the reasons stated above, the FAA finds that this waiver implicates no safety, national security or foreign policy issues. The waiver is consistent with the public interest goals of Chapter 509. Under 51 U.S.C. 50914, Congress determined that it was necessary to reduce the costs associated with insurance and litigation by requiring launch participants, including customers, to waive claims against each other. Because the NanoRacks Agreement under 14 CFR part 1266 accomplishes these goals by the same or similar means, the FAA finds this request in the public interest, and grants the waiver with respect to NanoRacks and the SSEP participants in reliance on the representations Orbital made in its petition.

Issued in Washington, DC, on September 10, 2013.

Kenneth Wong,

Commercial Space Transportation, Licensing and Evaluation Division Manager.

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⁵ Indemnification by the U.S. Government is conditioned upon the passage of legislation. 51 U.S.C. 50915; 14 CFR 440.17(d).

⁶ Waiver of Requirement to Enter Into a Reciprocal Waiver of Claims Agreement With All Customers, Notice of Waiver, 77 FR 63221 (Oct. 16, 2012).

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2012-0165; Notice 1]

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

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: General Motors, LLC (GM)¹ has determined that certain model year (MY) 2011 through 2013 Buick Regal and MY 2013 Chevrolet Malibu passenger cars may not fully comply with the telltale bulb outage requirement found in paragraph S5.5.6 of Federal Motor Vehicle Safety Standard (FMVSS) No 108, *Lamps, Reflective Devices, and Associated Equipment*. GM has filed an appropriate report dated October 3, 2012, pursuant to 49 CFR Part 573, *Defect and Noncompliance Responsibility and Reports*.

DATES: October 17, 2013.

ADDRESSES: 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:

- **Mail:** Send 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.

- **Hand Deliver:** Deliver comments by hand 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.

- **Electronically:** Submit comments 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 (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

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

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>, 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.

SUPPLEMENTARY INFORMATION:

I. *GM's petition*: 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.

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 109,563² vehicles that GM no longer controlled at the time it determined that the noncompliance existed.

II. *Vehicles Involved*: Affected are approximately 109,563 MY 2011 through 2013 Buick Regal and MY 2013 Chevrolet Malibu passenger cars manufactured from January 20, 2010 through September 18, 2012.

III. *Noncompliance*: GM explains that the subject vehicles are equipped with front turn signals, each of which incorporates two light sources. When both light sources of either front turn signal fail, bulb outage indication is provided as required by paragraph S5.5.6 of FMVSS No. 108. However, bulb outage indication is not provided if only one of the light sources fails in either front turn signal assembly. If a single bulb fails to illuminate, the turn

signal is still illuminated by the other bulb.

IV. *Rule Text*: Paragraph S5.5.6 of FMVSS No. 108 specifically states:

S5.5.6 Each vehicle equipped with a turn signal operating unit shall also have an illuminated pilot indicator. Failure of one or more turn signal lamps to operate shall be indicated in accordance with SAE Standard J588e, Turn Signal Lamps, September 1970

V. *Summary of GM's Analyses*: GM stated its belief that the lack of bulb outage indication is inconsequential to motor vehicle safety for the following reasons:

1. As delivered to the customer the turn signal lamps function properly and meet all requirements of FMVSS No. 108. This is not a situation where the photometric output of the turn signals fails to meet the requirements as delivered to the customer. In fact, the light output of the normally operating turn signals greatly exceeds the photometric requirements as produced.

2. Most drivers will never be affected by the reduction of photometric output, without outage indication as a result of a single front bulb failure, because the failure rate of the turn signal bulb is extremely low. The bulb life of these turn signals is three to four times the life of the bulbs used in turn signals when the bulb outage indication requirement was incorporated into the standard. The bulbs used in the subject front turn signals have a tested life of 1,100 hours at 12.8 volts. Using this information in a Monte Carlo simulation analysis provides the following results:

Years	2.5	5.0	7.5	10.0
Miles	31,250	62,500	93,750	125,000
No. of Burnouts	0	0	1	4
SIM Vehicles	10,000	10,000	10,000	10,000
Failure IPTV	0.000	0.000	0.400	4.000

Consequently, it is extremely unlikely a driver will experience a single turn signal bulb failure over the life of the vehicle, and thus the lack of outage indication, with a single bulb failure, is inconsequential to motor vehicle safety.

3. With a single bulb, the turn signal still functions and provides perceptible indication that the vehicle may be turning. In the extremely remote case that both light sources were to fail, in either front turn signal, bulb outage is indicated as required by the standard.

4. In the Malibu vehicle, if an outboard front turn bulb is not working, the inboard bulb continues to meet the photometric requirements. In this case, the centroid of the light shifts and is greater than 100 mm from the lit edge of the low beam head lamp. The light output of the inboard bulb easily meets the minimum photometric requirements specified in FMVSS No. 108.

5. If the inboard bulb burns out on the Malibu, or either bulb on the Regal, the remaining lamp continues to provide light which meets the photometric requirements in some zones, and comes

close to the requirements in most of the remaining zones. This light exceeds the standard turn signal photometric requirements, but due to the location of the turn signal (i.e., the turn signal centroid within 100 mm of the lit edge of the low beam lamp) the 2.5 multiplier must be applied to photometric requirements.

a. For the Malibu turn signal lamps, the photometric requirements with the 2.5 multiplier, are met in three of the five zones; and are within 25% of the requirements in a 4th zone.

² 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 109,563 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.

b. For the Regal turn signal lamps, the photometric requirements with the 2.5 multiplier, are met in two of the five zones; and are within 25% of the requirements in two other zones. The Malibu and Regal turn signal lamps provide the required light under normal driving conditions. In the unlikely circumstance that a single bulb stops functioning, the remaining bulb continues to provide the minimum turn signal light specified in the standard and is generally within 25% of the minimum required light after the 2.5 multiplier is applied. In the case of these vehicles, GM's analysis indicates the light provided by the single bulb is perceptible to the motoring public.

GM has additionally informed NHTSA that it has corrected the noncompliance so that all future production vehicles will comply with FMVSS No. 108.

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.

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

Claude H. Harris,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2013-22561 Filed 9-16-13; 8:45 am]

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8910

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8910, Alternative Motor Vehicle Credit.

DATES: Written comments should be received on or before November 18, 2013 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette Lawrence, Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Katherine Dean, at Katherine.b.dean@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Alternative Motor Vehicle Credit.

OMB Number: 1545-1998.

Form Number: 8910.

Abstract: Taxpayers will file Form 8910 to claim the credit for certain alternative motor vehicles placed in service after 2005.

Current Actions: The credit for conversion of "plug-in" electric vehicle facilities (IRC 30B(i)(4), and Public Law 111-5, s. 1142) expired, requiring the elimination of lines 4-10. This resulted in a decrease of 29,100 total burden hours.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, not-for-profit institutions, farms, Federal Government and State, Local or Tribal Government.

Estimated Number of Respondents: 10,000.

Estimated Time Per Respondent: 9 hours, 59 minutes.

Estimated Total Annual Burden Hours: 98,800.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the

information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 4, 2013.

Yvette Lawrence,

IRS Reports Clearance Officer.

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8283-V

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8283-V, Payment Voucher for Filing Fee Under Section 170(f)(13).

DATES: Written comments should be received on or before November 18, 2013 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette Lawrence, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Katherine Dean, at Katherine.b.dean@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Payment Voucher for Filing Fee Under Section 170(f)(13).

OMB Number: 1545-2069.

Form Number: 8283-V.

Abstract: The Pension Protection Act of 2006 (Pub. L. 109-280) provides in section 1213(c) of the Act that taxpayers claiming a deduction for a qualified conservation contribution with respect to the exterior of a building located in a registered historic district in excess of \$ 10,000, must pay a \$ 500 fee to the Internal Revenue Service or the deduction is not allowed.