

has also tentatively decided to require, as a condition for import eligibility, that Canadian-certified multipurpose passenger vehicles, trucks, and buses with a GVWR of 4,536 kg (10,000 lb) or less manufactured on or after September 1, 2017, and before September 1, 2022, comply, as originally manufactured, with FMVSS Nos. 138, 201, 206, 208, 213, and 214, and insofar as they are applicable, with FMVSS No. 225, and the updated requirements of FMVSS Nos. 111 and 226. Finally, NHTSA has tentatively decided to require that trucks and buses with a GVWR greater than 4,536 kg (10,000 lb) manufactured on or after August 1, 2019, that are subject to FMVSS No. 136 to comply, as originally manufactured, with that standard in order to be eligible to import. Effective dates for the updated or newly enacted standards are outlined below.

#### Future Cut-Off Date

To avoid the need to amend any existing eligibility decisions in the event that there are any further requirements imposed under the FMVSS that are not carried into the corresponding CMVSS, NHTSA has tentatively decided to limit its import eligibility decisions for Canadian-certified motor vehicles to those manufactured before September 1, 2022. Prior to that date, the agency will assess whether there is a need to condition the import eligibility of any subsequently manufactured Canadian-certified vehicles on compliance with any additional FMVSS. The agency intends to issue new decisions covering vehicles manufactured on or after September 1, 2022, within a sufficient period before that date is reached.

#### Tentative Decision

Pending its review of any comments submitted in response to this notice, NHTSA hereby tentatively decides that—

(a) All passenger cars manufactured on or after September 1, 2017, and before May 1, 2018, that as originally manufactured, comply with FMVSS Nos. 138, 201, 206, 208, 213, 214, 225, and insofar as it is applicable with FMVSS No. 226; and

(b) All passenger cars manufactured on or after May 1, 2018, and before September 1, 2022, that as originally manufactured, comply with FMVSS Nos. 111, 138, 201, 206, 208, 213, 214, 225, and insofar as it is applicable, with FMVSS No. 226; and

(c) All multipurpose passenger vehicles, trucks, and buses with a GVWR of 4,536 kg (10,000 lb) or less manufactured on or after September 1, 2017, and before May 1, 2018, that as

originally manufactured, comply with FMVSS Nos. 138, 201, 206, 208, 213, and 214, and insofar as they are applicable, with FMVSS Nos. 222, 225, and, 226; and

(d) All multipurpose passenger vehicles, trucks, and buses with a GVWR of 4,536 kg (10,000 lb) or less manufactured on or after May 1, 2018, and before September 1, 2022, that as originally manufactured, comply with FMVSS Nos. 111, 138, 201, 206, 208, 213, and 214, and insofar as they are applicable, with FMVSS Nos. 222, 225, and 226; and

(e) All multipurpose passenger vehicles, trucks, and buses with a GVWR greater than 4,536 kg (10,000 lb) manufactured on or after August 1, 2019, and before September 1, 2022, that as originally manufactured, comply with FMVSS No. 136 insofar as it is applicable; that are certified by their original manufacturer as complying with all applicable CMVSS, are eligible for importation into the United States on the basis that either:

1. They are substantially similar to vehicles of the same make, model, and model year originally manufactured for importation into and sale in the United States, or originally manufactured in the United States for sale therein, and certified as complying with all applicable FMVSS, and are capable of being readily altered to conform to all applicable FMVSS, or

2. They have safety features that comply with, or are capable of being altered to comply with, all applicable FMVSS.

#### Vehicle Eligibility Number

In order to import a vehicle made admissible under any final decision, the importer must indicate to U.S. Customs and Border Protection that the vehicle has been determined eligible for importation. This is done by indicating the eligibility number, published under that final decision, on the U.S.

Department of Transportation declaration form HS-7. Vehicle Eligibility Number VSA-80 is currently assigned to Canadian-certified passenger cars, Vehicle Eligibility Number VSA-81 is currently assigned to Canadian-certified multipurpose passenger vehicles, trucks, and buses with a GVWR of 4,536 kg (10,000 lb) or less, and Vehicle Eligibility Number VSA-82 is currently assigned to Canadian-certified multipurpose passenger vehicles, trucks, and buses with a GVWR greater than 4,536 kg (10,000 lb). If this tentative decision is made final, all passenger cars admissible under the final decision will be assigned vehicle eligibility number VSA-80, all

multipurpose passenger vehicles, trucks, and buses with a GVWR of less than 4,536 kg (10,000 lb) admissible under the final decision will be assigned vehicle eligibility number VSA-81, and all multipurpose passenger vehicles, trucks, and buses with a GVWR greater than 4,536 kg (10,000 lb) admissible under the final decision will be assigned vehicle eligibility number VSA-82.

**Authority:** 49 U.S.C. 30141(a)(1)(A), (a)(1)(B), and (b)(1); 49 CFR 593.8; delegation of authority at 49 CFR 1.95.

**Jack Danielson,**

*Acting Deputy Administrator.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2016-0108; Notice 2]

#### Reflex & Allen USA, Incorporated, Grant of Petition for Decision of Inconsequential Noncompliance

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

**SUMMARY:** Reflex & Allen USA, Incorporated (RAUS), has determined that certain Reflex & Allen air brake tubing products do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 106, *Brake Hoses*. RAUS filed a noncompliance information report dated September 1, 2016, and amended it on September 13, 2016. RAUS also petitioned NHTSA on September 30, 2016, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

**ADDRESSES:** For further information regarding this decision please contact Leroy Angeles, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366-5304, facsimile (202) 366-3081.

#### SUPPLEMENTARY INFORMATION:

*I. Overview:* Reflex & Allen USA, Incorporated (RAUS), has determined that certain Reflex & Allen air brake tubing products do not fully comply with paragraph S7.2.1 of Federal Motor Vehicle Safety Standard (FMVSS) No. 106, *Brake Hoses*. RAUS filed a report dated September 1, 2016, and amended it on September 13, 2016, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*. RAUS also petitioned NHTSA

on September 30, 2016, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of receipt of the petition was published, with a 30-day public comment period, on November 25, 2016, in the **Federal Register** (81 FR 85323). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: <https://www.regulations.gov/>. Then follow the online search instructions to locate docket number "NHTSA-2016-0108."

*II. Hoses Involved:* Approximately 4,500 Reflex & Allen air brake hose products manufactured between October 16, 2015, and August 30, 2016, are potentially involved.

*III. Noncompliance:* RAUS explains that the noncompliance is that the subject brake hoses are labeled at intervals ranging from 6.5 inches to 11.5 inches, thereby exceeding 6-inch maximum spacing required by paragraph S7.2.1 of FMVSS No. 106.

*IV. Rule Text:* Paragraph S7.2.1 of FMVSS No. 106 states:

S7.2.1 Hose. Each air brake hose shall be labeled, or cut from bulk hose that is labeled, at intervals of not more than 6 inches, measured from the end of one legend to the beginning of the next, in block capital letters and numerals at least one-eighth of an inch high, with the information listed in paragraphs (a) through (e) of this section. The information need not be present on hose that is sold as part of a brake hose assembly or a motor vehicle.

*V. Summary of RAUS's Petition:*

RAUS described the subject noncompliance and stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, RAUS submitted the following reasoning:

(a) RAUS notified NHTSA in a 573 report in early September of 2016, of a potential noncompliance within a population of air brake tubing products. The report was subsequently amended to correct affected part numbers. As described in RAUS's noncompliance notification, the subject air brake tubing is labeled with the complete and correct identifying data, but due to a production error, the labeling appears at intervals that exceed the 6-inch maximum spacing required by the standard.

(b) RAUS noted that all affected products are labeled in accordance with the requirements of FMVSS No. 106 S7.2.1 except for the print legend spacing.

(c) These products are sold only to one Original Equipment Manufacturer (OEM), Volvo Trucks North America (VTNA), which then paints the complete chassis to include painting over the tubing. These products meet all applicable performance requirements of FMVSS No. 106. These products perform exactly as designed. The safety of the vehicle is uncompromised.

(d) The noncompliant products were produced between October 16, 2015 and August 30, 2016. VTNA first notified RAUS of the noncompliance on August 30, 2016. Immediately on that date, RAUS recalibrated the equipment to ensure compliance on all future tubing products and is conducting initial and secondary quality checks to guarantee compliance prior to shipment to VTNA. VTNA is the only customer that receives these products and is fully aware of the situation. RAUS fully believes that these labeling errors are inconsequential to motor vehicle safety because the tubing is properly identified with all required identifiers and meets the standards in every other way. The only noncompliance is the spacing in which the print legends exceed 6 inch intervals in various measurements ranging from 6.5 inches to 11.5 inches.

(e) This noncompliance does not create an unreasonable risk of death or injury in an accident, nor does it create any operational issues or safety concerns regarding the vehicle. The Safety Act allows for exemptions for manufacturers from the Safety Act's notice and remedy requirements particularly when the noncompliance does not create an unreasonable risk of death or injury in an accident.

(f) The subject brake tubing was marked correctly with all required identifiers yet the print legends fell beyond the maximum 6 inch intervals. This error is inconsequential to motor vehicle safety. One of the main purposes FMVSS No. 106, S7.2.1 is to identify the manufacturer of the brake tubing in the event of a product recall. If a recall of this air brake tubing were to become necessary in the future, the affected products could still be easily identified by the markings which are conspicuously printed on all of the tubing.

(g) There are several examples of NHTSA granting petitions from the reporting and notification requirements based on determinations of inconsequential noncompliance for similar marking/labeling issues including the granting of the Grote Industries LLC petition on January 23, 2015.

RAUS concluded by expressing the belief that the subject noncompliance is

inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

**NHTSA Decision**

*NHTSA Analyses:* NHTSA has reviewed and accepts RAUS's analysis that the subject noncompliance is inconsequential to motor vehicle safety. Specifically, the labeling interval of the brake hose ranging from 6.5 inches to 11.5 inches poses little if any risk to motor vehicle safety given the fact that every product manufactured by RAUS is labeled with all information required by FMVSS No. 106.

RAUS stated that the subject hoses are sold to only one vehicle manufacturer, Volvo Trucks North America (VTNA) and are marked with all the required identifiers. In addition, RAUS states that the subject hoses meet all FMVSS No. 106 requirements other than the labeling interval. As part of NHTSA's review of RAUS's petition, NHTSA contacted RAUS to verify that every hose produced is in fact labeled. RAUS responded that the subject hoses are manufactured in continuous lengths that are labeled. Then the subject bulk hose is shipped or transported from RAUS's facilities to VTNA on cardboard reels. RAUS stated that VTNA cuts individual hoses from the bulk hose and installs them onto vehicle chassis frames. The chassis frames and hoses are painted after the brake hoses are installed on the chassis.

NHTSA evaluated if having the required labeling information in intervals of 6.5 to 11.5 inches was inconsequential to safety under these circumstances. NHTSA reiterates the need for brake hose labeling required by paragraph S7.2 of FMVSS No. 106 which can be summarized as: (a) The symbol DOT, constituting the manufacturer's certification that the hose conforms to all applicable FMVSS; (b) manufacturer's designation; (c) date of manufacture; (d) nominal inside hose diameter; and (e) hose type designation. In this situation, all required labeling was present on every item sold by RAUS to VTNA. The bulk hose was labeled at an interval that ranged from 6.5 to 11.5 inch. NHTSA agrees that the users of the bulk brake hose would have ready access to all required information during handling and processing of the bulk hose. Furthermore, NHTSA agrees with RAUS, that in the event of a recall, RAUS or VTNA would be able to easily identify the subject hoses by the required markings on the bulk hose

before the hose is cut or installed in vehicles.

As part of its analysis, NHTSA also considered if the hoses need to be labeled after they are installed on vehicles. Paragraph S7.2.1 of FMVSS No. 106 states “. . . The information need not be present on hose that is sold as part of a brake hose assembly or a motor vehicle.” The vehicle manufacturer who installs the subject hoses into their vehicles, in this case VTNA, is required to certify the vehicles they manufacture meet all applicable Federal Motor Vehicle Safety Standards, including FMVSS No. 106. Therefore, VTNA, by cutting and installing the hose on its vehicles takes responsibility for the hose as part of the vehicle. Should there be an issue with the brake hoses installed on VTNA vehicles, VTNA would be responsible for identifying scope and conducting a recall of the vehicles.

RAUS stated that on August 30, 2016, they recalibrated their equipment and implemented quality checks to ensure compliance of all future hoses delivered to VTNA.

**NHTSA's Decision:** In consideration of the foregoing, NHTSA finds that RAUS has met its burden of persuasion that the subject FMVSS No. 106 noncompliance is inconsequential to motor vehicle safety. Accordingly, NHTSA hereby grants RAUS's petition and RAUS is consequently exempted from the obligation of providing notification of, and a free remedy for, that noncompliance under 49 U.S.C. 30118 and 30120.

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, this decision only applies to the subject hoses that RAUS no longer controlled at the time it determined that the noncompliance existed. However, the granting of this petition does not relieve equipment distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant hoses under their control after RAUS notified them that the subject noncompliance existed.

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

**Jeffrey M. Giuseppe,**  
*Director, Office of Vehicle Safety Compliance.*

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### **Proposed Collection; Comment Request for REG-132455-11 Reporting of Minimum Essential Coverage (TD 9660-Final)**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of information collection; request for comments.

**SUMMARY:** The Internal Revenue Service (IRS), 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 continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Form 1094-B, Transmittal of Health Coverage Information Returns and Form 1095-B, Health Coverage.

**DATES:** Written comments should be received on or before December 26, 2017 to be assured of consideration.

**ADDRESSES:** Direct all written comments to L. Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the regulation should be directed to Taquesha Cain, at (202) 317-8979, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at [Taquesha.R.Cain@irs.gov](mailto:Taquesha.R.Cain@irs.gov).

#### **SUPPLEMENTARY INFORMATION:**

**Title:** Transmittal of Health Coverage Information Returns and Health Coverage.

**OMB Number:** 1545-2252.

**Form Number:** 1094-B and 1095-B.

**Abstract:** The Form 1094-B and Form 1095-B under the authority of IRC section 6055, added by Public Law 111-148, Patient Protection and Affordable Care Act (ACA), section 1502(a). Section 6055(a) requires every health insurance issuer, sponsor of a self-insured health plan, government agency that administers government-sponsored health insurance programs and other entity that provides minimum essential coverage to file annual returns reporting

information for each individual for whom minimum essential coverage is provided. Form 1094-B, serves as a transmittal for Form 1095-B, Health Coverage.

**Current Actions:** There is no change to this existing regulation. However, the agency has updated the number of respondents to reflect the most recent data available.

**Type of Review:** Revision of a currently approved collection.

**Affected Public:** Business or other for-profit organizations, not-for-profit institutions, farms, and state, local, or tribal governments.

**1094-B:**

**Estimated Number of Respondents:** 30,000.

**Estimated Time per Respondent:** 10 minutes.

**Estimated Total Annual Burden Hours:** 5,000.

**1095-B:**

**Estimated Number of Respondents:** 125,000,000.

**Estimated Time per Respondent:** 1 minute.

**Estimated Total Annual Burden Hours:** 2,083,333.

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,