

(2) *Appeals.* When an SAA has made a final determination that a defect or noncompliance exists, the manufacturer may, within 10 days after receipt of the notice of such final determination, appeal to the Secretary under § 3282.309.

(d) Where a preliminary determination of defect or noncompliance has been issued, the manufacturer may, at any time during the proceedings called for in this section or after the issuance of a Final Determination and Order, request a waiver of the formal notification requirements. The manufacturer may request such a waiver from the SAA that is handling the proceedings, or if the Secretary is handling the proceedings, from the Secretary. When requesting such a waiver, the manufacturer shall certify and provide assurances that:

(1) The manufacturer has identified the class of possibly affected manufactured homes in accordance with § 3282.409;

(2) The manufacturer will correct, at the manufacturer's expense, all affected manufactured homes in the class within a time period specified by the SAA or the Secretary but not later than 60 days after being informed of the acceptance of the request for waiver or issuance of the Final Determination, whichever is later; and

(3) The proposed repairs are adequate to remove the failure to conform or imminent safety hazard that gave rise to the issuance of the Preliminary Determination.

The SAA or the Secretary may grant the request for waiver if the manufacturer agrees under paragraph (b)(4) of this section to an offer of settlement that includes an order that embodies the assurances made by the manufacturer.

[42 FR 2580, Jan. 12, 1977, as amended at 51 FR 34468, Sept. 29, 1986; 51 FR 37568, Oct. 23, 1986]

**§ 3282.408 Reimbursement for prior correction by owner.**

A manufacturer that is required to correct under § 3282.406 or that decides to correct and obtain a waiver under § 3282.404(f) or § 3282.407(d) shall provide reimbursement for reasonable cost of correction to any owner of an affected

manufactured home who chose to make the correction before the manufacturer did so.

**§ 3282.409 Manufacturer's plan for notification and correction.**

(a) This section sets out the requirements that shall be met by manufacturers in preparing plans they are required to submit under § 3282.404(c). The underlying requirement is that the plan show how the manufacturer will fulfill its responsibilities with respect to notification and correction that arise under this subpart I.

(b) The plan shall include a copy of the proposed notice that meets the requirements of § 3282.410.

(c) The plan shall identify, by serial number and other appropriate identifying criteria, all manufactured homes with respect to which notification is to be provided. The class of manufactured homes with respect to which notification shall be provided and which shall be covered by the plan is that class of homes that was or is suspected of having been affected by the cause of an imminent safety hazard or failure to conform. The class is identifiable to the extent that the cause of the imminent safety hazard or failure to conform is such that it would probably have been systematically introduced into the manufactured homes in the class during the course of production. In determining the extent of such a class, the manufacturer may rely either upon information that positively identifies the extent of the class or upon information that indicates what manufactured homes were not affected by the same cause, thereby identifying the class by excluding those manufactured homes. Methods that may be used in determining the extent of the class of manufactured homes include, but are not limited to:

(1) Inspection of manufactured homes produced before and after the manufactured homes known to be affected;

(2) Inspection of manufacturer quality control records to determine whether quality control procedures were followed;

(3) Inspection of IPIA records to determine whether the imminent safety hazard or failure to conform was either