

SEP 4 2003

Mr. Michael Kastner
Director of Government Relations
National Truck Equipment Association
1300 19th Street, Fifth Floor
Washington, DC 20036-1609

Dear Mr. Kastner:

This is in reply to your letter of June 26, 2003, which, to facilitate future reference, is your third request for interpretations relating to the early warning reporting (EWR) regulations issued by this agency (Subpart C, 49 CFR Part 579).

Your first issue related to an inconsistency that others have brought to our attention, and which we intend to address in a forthcoming Federal Register notice. That is, the regulation requires complete reporting by a manufacturer of light vehicles with an aggregate number of vehicles either during the reporting period or “during each of the prior two calendar years is 500 or more” (49 CFR 579.21) whereas complete reporting is required for medium-heavy vehicles and buses if the aggregate number of vehicles “during either of the prior two calendar years is 500 or more” (49 CFR 579.22; see also Sections 579.23 and 579.24). The regulatory text of the final rule was intended to implement the related statement that we made in the preamble (67 FR 45822 at 45831), that manufacturers of motor vehicles would report under Section 579.27 if their aggregate number of vehicles was fewer than 500 “in the year of the reporting period and in each of the two calendar years preceding the reporting period.” Accordingly, we intend to correct Sections 579.22, 579.23, and 579.24 to reflect the intent expressed in our preamble statement.

Your second request was that the template for manufacturers reporting under Section 579.27 be revised so that the entry column labeled “Deaths/ Injuries” be changed to “Deaths,” to reflect the fact that these manufacturers are not required to report injuries. However, your assumption is not correct. Although manufacturers reporting under Section 579.27 need not report incidents involving only injuries, they are required to report the number of injuries of which they are aware that occurred in incidents involving one or more deaths that are identified in claims or notices received by the manufacturer.

Your third and fourth requests related to the definition of “platform” and issues you believed it may raise with respect to final stage manufacturers.

The EWR rule defines “platform” as follows:

Platform means the basic structure of a vehicle, including but not limited to, the majority of the floorpan and undercarriage and elements of the engine compartment. The term includes a structure that a manufacturer designates as a platform. A group of vehicles sharing a common structure or chassis shall be considered to have a common platform regardless of whether such vehicles are of the same type, are of the same make, or are sold by the same manufacturer.

“Structure,” in turn, is defined as follows:

Structure means any part of a motor vehicle that serves to maintain the shape and size of the vehicle, including the frame, the floorpan, the body, bumpers, doors, tailgate, hatchback, trunk lid, hood and roof. The term also includes all associated mounting elements (such as brackets, fasteners, etc).

You related that vehicles manufactured in two or more stages can have both common structures on different chassis, as well as different structures on common chassis. You asserted that the “floorpan or undercarriage, and elements of the engine compartment are very rarely, if ever, added or modified by a final stage manufacturer,” and you asked whether the designation of “platform” for the final stage manufacturer should “be derived from the body/equipment being added to complete the vehicle or from the original chassis.”

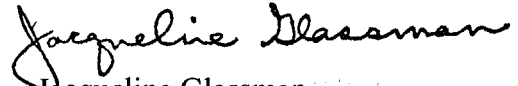
The definition of platform includes a group of vehicles “sharing a common structure or chassis.” We construe the regulatory definition to mean that vehicles with “different structures on common chassis” have the same platform. We recognize that the regulatory language could be construed such that vehicles that have common structures added by a final stage manufacturer on different chassis could also be considered to have the same platform. However, that was not our intent. Moreover, such an interpretation could lead to confusion, since, under that approach, some vehicles could be considered to have more than one platform.

Your fourth concern relates to vehicles that share a platform because they are built on a common chassis. You asked how an incomplete vehicle manufacturer would determine which models share the same chassis since this is “typically an internal designation assigned by the incomplete vehicle manufacturer.” It is our understanding that chassis manufacturers use well-established and recognized designations for their chassis, such as Ford “E Series” or General Motors “C/K Series.” Moreover, platform designations by final stage manufacturers do not have to be exactly the same as those of the original chassis manufacturer. Rather, final stage manufacturers need only identify those models/vehicles that share a chassis.

Finally, you asked whether the platform designations would be “determined the same way for alterers as for final stage manufacturers?” The answer is yes.

If you have any additional questions, you may refer them to Andrew DiMarsico of this office (202-366-5263).

Sincerely,

A handwritten signature in black ink that reads "Jacqueline Glassman". The signature is written in a cursive style with a large initial "J".

Jacqueline Glassman
Chief Counsel