

amending § 579.27(a) to state that it “applies to all manufacturers of vehicles with respect to vehicles that are not covered by reports on light vehicles, medium-heavy vehicles and buses, motorcycles, or trailers submitted pursuant to §§ 579.21 through 579.24 of this part.”

Another manufacturer, also in a telephone call, raised the question of whether the reporting obligations encompassed vehicles that it leased or only those vehicles that it “manufactured for sale, offered for sale, imported, or sold in the United States.” We intended to cover all vehicles that the manufacturer produced which are operated on the public roads in the United States; *i.e.*, which have been introduced into interstate commerce, even if these are for lease or the manufacturer’s own use. Accordingly, we are amending the introductory sentence of each of §§ 579.21–579.26 to remove the phrase quoted above and to replace it with the phrase that appears in 49 U.S.C. 30112(a): “manufactured for sale, sold, offered for sale, introduced or delivered for introduction in interstate commerce, or imported into the United States.”

The definition of “seats” includes a reference to “S9 of 209.” There is no paragraph S9 in Federal Motor Vehicle Safety Standard No. 209, and we are removing the erroneous reference to S9 from the definition of “seats.”

We note that the TREAD Act reimbursement final rule adopted a definition of “rear-facing infant seat” that differs from the one we adopted in the early warning final rule. See our full discussion of this issue at 67 FR 64056, October 17, 2002. In that discussion, we announced that we would adopt the reimbursement rule definition when we responded to petitions for reconsideration of the EWR rule, and we are amending the definition of “rear-facing infant seat” accordingly. We also note that the definition of “minimal specificity” refers to “a child seat,” rather than to the defined term “child restraint system” used elsewhere in the regulation. We are amending the definition of “minimal specificity” to replace “child seat” with “child restraint system.”

Washington attorney Jim Pitts called our attention to the fact that there is no definition of “model year” for tires, yet § 579.26 requires tire manufacturers to provide information on tire model years. He found confusing the requirement that information be provided for “the four calendar years prior to the earliest model year in the reporting period * * *.” The definition of “model year” provides that “For equipment, it means

the year that the item was produced.” However, as Mr. Pitts pointed out, the definition of “equipment” in the EWR final rule does not include tires. Accordingly, we are amending the definition of “model year” to clarify that “For equipment and tires, [model year] means the year that the item was produced.” As for the phrase that Mr. Pitts found confusing, we are amending § 579.26 to require information to be provided for “the four calendar years prior to the reporting period.”

Section 579.5(d) requires each monthly submission of documents pertaining to notices, bulletins, customer satisfaction campaigns, consumer advisories, and other communications to be accompanied by a document identifying each communication in the submission by name or subject matter and date. The Alliance objected to this requirement as unduly burdensome. It commented that NHTSA has not required such a cover letter for these documents in the past and that the agency has not demonstrated a need to impose this new obligation. We have reviewed the past submissions of these and similar documents, and have concluded that we do not need the cover document to achieve our goals under the EWR rule. Accordingly, we are amending § 579.5(c) to remove the second sentence, which contains this requirement.

The amendments published on July 10, 2002, were effective on August 9, 2002, with early warning reporting to begin in 2003. Section 579.5(b) requires manufacturers to furnish NHTSA with a copy of certain documents relevant to early warning reporting, *e.g.*, communications relating to customer satisfaction campaigns, consumer advisories, recalls, or other safety activity involving the repair or replacement of motor vehicle or motor vehicle equipment. Section 579.5(d) requires information furnished under § 579.5(a) (former § 573.8) and § 579.5(b) to be submitted within five working days after the end of the month in which it was issued. Washington attorney, Carey Fleming, noted in a phone call that this requirement is inconsistent with NHTSA’s preamble statement that documents furnished under § 579.5(b) “will be due within 5 working days after the end of each month beginning with April 2003” (p. 45864). Mr. Fleming is correct, and we are amending § 579.5(d) in accordance with our preamble statement to clarify that a document covered under § 579.5(b) and issued before April 1, 2003, need not be submitted. The first submittals under subsection (b) will be

documents issued during April 2003 which will be due not later than May 7, 2003 (*i.e.*, the fifth working day after April 30).

Finally, Mark Schildkraut of New York City reminded us in a phone call that, in amending part 573 to redesignate § 573.5 through 573.7 as §§ 573.6 through 573.8, we forgot to make corresponding amendments to references to these sections in § 573.3(b), (c), (d), (e), and (f). We are correcting this oversight in this notice, as well as making conforming amendments to 49 CFR 577.5(a) and 577.10(a).

VI. Privacy Act Statement

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.). You may review DOT’s complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477), or you may visit <http://dms.dot.gov>.

VII. Rulemaking Analyses

Regulatory Policies and Procedures

Executive Order 12866, “Regulatory Planning and Review” (58 FR 51735, October 4, 1993) provides for making determinations whether a regulatory action is “significant” and therefore subject to Office of Management and Budget (OMB) review and to the requirements of the Executive Order. The Order defines as “significant regulatory action” as one that is likely to result in a rule that may:

- (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in the Executive Order.

We have considered the impact of this rulemaking under E.O. 12866 and the Department of Transportation’s regulatory policies and procedures. This rulemaking has been determined to be