

death or injury, the manufacturer need not report a claim or notice arising out of the incident by a person who was not injured physically. For further discussion of this subsection, see Paragraph VI below relating to property damage claims.

RMA also urged NHTSA to exclude non-physical injuries. It was concerned that such a requirement "could lead to the filing of frivolous or baseless claims that may be part of a campaign designed solely to damage the reputation of a tire manufacturer." RMA has not demonstrated that in reality this would be a likely problem. We addressed the issue in the final rule. We further note that the rules of many courts preclude the filing of frivolous claims. *See, e.g.*, Rule 11(b), Fed. R. Civ. P. In any event, we will be able to deal with such matters during the screening process.

5. *Field report.* We reviewed our revised redefinition of "field report" after its publication on April 15, 2003 (68 FR 18136 at 18142) and concluded that it could be clarified and simplified by removal of some commas. We have revised the definition accordingly.

6. *Fire.* The final rule defined "fire" to mean "combustion or burning of any material in a vehicle as evidenced by, but not limited to, flame, smoke, sparks, or smoldering." The Alliance objected to the definition and asserted that the definition includes events which may not result in a fire. Consequently, in their view, the reporting category may overstate "fires" to the uninformed when "they may involve nothing more than reports of exhaust smoke \* \* \* ." The Alliance recommended that the title of the reporting category be changed to "FSSS" to indicate that more events are included than just fire events, *i.e.*, "flame, smoke, sparks, or smoldering."

We agree that some of the events referred to under the current definition of "fire" are not generally considered fires as that term is normally used by the public. However, many of the system and component categories include items that are not fully consistent with a layman's use of the word. That is why we developed regulatory definitions. Therefore, we see no need to revise the definition as requested. However, we will make a wording change to clarify that not all events covered by the definition involve flame. Moreover, we have recently encountered euphemistic descriptions of fires by manufacturers as "thermal events." We are adding a reference to "thermal events" to assure that they are not omitted in reporting. Of course, thermal events would not include heat generated by a normally operating engine or heating/cooling by a vehicle's

climate control system. Therefore, the term "fire" is amended to mean

combustion or burning of any material or fuel in or from a vehicle as evidenced by flame. The term also includes, but is not limited to, thermal events and fire-related phenomena such as smoke, sparks, or smoldering, but does not include events and phenomena associated with a normally functioning vehicle such as combustion of fuel within the engine or exhaust from an engine.

7. *Handle.* JPMA pointed out that the final rule requires child restraint system manufacturers to report incidents involving "handles." Because some child restraints do not have separate handles, and are designed to be carried by the shell, JPMA asserted that it is necessary to define "handle" as a separate element of a child restraint. It suggested a definition of "handle," with which we generally concur. We are adopting a definition of "handle" to read as follows:

*Handle* means any element of a child restraint system that is designed to facilitate carrying the restraint outside a motor vehicle, other than an element of the seat shell.

8. *Minimal specificity.* Under the final rule, a tire manufacturer must report the aggregate number of property damage claims it received during a calendar quarter that identify the manufacturer, model, and tire line. The reporting manufacturer must also identify the component of the tire allegedly giving rise to the claim. However, if the property damage claim fails to specify the component, the manufacturer is not required to include the report in the aggregate number reported.

RMA reiterated its comment to the NPRM that the tire identification number (TIN) be added to the definition of "minimal specificity." Its request focused on property damage claims. RMA argued that a report of property damage claims is meaningless unless the TIN of the tire involved in the claim is known, and that, in many instances, the TIN and other information, including the component code to be identified, will not be specified in a claim. RMA urged us to "reconsider this issue," and "require the inclusion of the TIN information for purposes of satisfying the 'minimal specificity' necessary to trigger a tire manufacturer's obligation to report property damage claims." In support, RMA argued that without the TIN, manufacturers will not be able to report at the level of the stock keeping unit (SKU) number for a tire, which is a required reporting element under Section 579.26. Without the TIN, RMA claimed that data could only be completed by tire line and size and would be of limited benefit to NHTSA.

With respect to property damage claims, we agree and are amending the last sentence of Section 579.26(c) to state that "No reporting is necessary if the system or component involved is not specified in such codes, or if the TIN is not specified in any property damage claim." As elsewhere under the early warning rule, the term "claim" includes both the initial document received by the manufacturer and subsequent documents. However, we are not changing the definition of minimal specificity with respect to tires, so claims and notices of deaths or injuries must be reported under Section 579.26(b) even if the TIN is not known. As specified in Section 579.28(f)(2)(i), if the tire manufacturer subsequently became aware of the TIN, it must submit an updated report.

RMA also claimed that an actual physical inspection is necessary to provide meaningful information about potential tire problems. However, we decline RMA's suggestion to only report property damage claims involving tires that have been inspected. For early warning reporting purposes, we are collecting information on the basis of what is "claimed" rather than the manufacturer's view of the claim.

9. *Model.* Under the final rule, a child restraint system is defined as "equipment." Under Section 579.25(a), manufacturers of child restraint systems must provide information on each make and "model." For equipment, we defined "model" as "the name that its manufacturer uses to designate it." JPMA asserted that the industry uses model designators for reasons that do not always correspond with structural or material differences in the product. Manufacturers may assign a different "model number" to identify different patterns on the pad fabric or to identify products destined for different retailers. Requiring reporting by "model number" could result in separating similar restraints into different reports. Accordingly, JPMA recommended that "model" be defined "to be child restraints with the same shell and same restraint/harness system." Thus, in its opinion, child restraints offered with and without bases would be the same "model" if they nevertheless have the same shell and restraint/harness system. If two restraints use the same shell but different restraint/harness configurations, they would be defined as separate "models."

The definitional problem is that "model" has been defined to mean a "name" that a manufacturer uses to designate a vehicle or equipment. JPMA's comment did not indicate that child restraint system manufacturers use