

the same name to identify systems with the same shell and restraint/harness if they otherwise differ. However, it is our understanding that they do. We have considered whether adopting JPMA's suggested definition, which does not include "base" as a definitional criterion, might result in a reduction of reporting that could lead to a failure to receive early indicators of problems with bases. If Model X, for example, having the same shell and restraint/harness is manufactured in two configurations, one with a base and one without, and its manufacturer receives reportable data regarding the configuration with a base, the data cannot be realistically evaluated for early warning purposes if it is considered in the context of a total production that includes the configuration without a base. Ordinarily, it should be considered in the context of the total production of Model X systems with bases. Therefore, we have concluded that it is necessary to add "base (if so equipped)" to JPMA's suggested definition. Accordingly, we are amending the definition of "model" to state that, for child restraint systems, model means "the name that the manufacturer uses to identify child restraint systems with the same seat shell, buckle, base (if so equipped), and restraint system." Under this definition of "model," a restraint system with the same seat shell, buckle, and restraint system would nevertheless be divided into different models for reporting purposes if it were available both with a base and without a base.

10. *Model year.* With reference to vehicles and equipment to which manufacturers have not designated a model year, the definition of "model year" in the final rule means the year in which the vehicle equipment item was produced. This year is generally understood to be the calendar year. Because the final rule contains numerous references to "production year" (see, e.g., Section 579.25) without a definition for the term, we have decided to revise the definition of "model year" and adopt a definition of "production year." Under the revised definition, "model year" means "the year that a manufacturer uses to designate a discrete model of vehicle, irrespective of the calendar year in which the vehicle was manufactured." The added term "production year" means "for a vehicle, the calendar year in which a vehicle is produced if the vehicle's manufacturer has not assigned it a model year. For equipment and tires, it means the calendar year in which the item was produced."

11. *Seat shell.* JPMA sought assurance that the term "seat shell" does not include "shell accessories," such as the tether, the label, or the seat pad. The final rule defined "seat shell" to mean the component, be it plastic or other material, which forms the structural shape, form, and support for the child seating system and other components to allow the seat to be secured to a passenger seat. The "accessories" listed by JPMA are not any of these components. JPMA also sought our assurance that accessories sold separately from child restraint systems (such as tether strap sets, latch retrofit units and bases) are not covered as well. We confirm that these separately-sold accessories are not covered under Section 579.25(c). However, information about claims or notices of deaths and injuries allegedly due to a defect in accessories such as tether strap sets, latch retrofit units and bases would have to be submitted pursuant to Section 579.27.

12. *Service brake system.* The definition of "service brake system" includes brake-related "equipment installed in a vehicle in order to comply with FMVSS Nos. 105, 121, 122, or 135." The Alliance pointed out that certain components of the parking brake system (a separate defined system for early warning reporting purposes) are covered in Standards Nos. 105 and 135, and that the definition should be amended to clarify that "service brake system" does not include parking brakes. The point is well taken, and we are amending the definition to add an exclusion after the reference to "135" to read "(except equipment relating specifically to a parking brake)." This will clarify that dual reporting is not required with respect to problems with a parking brake installed pursuant to either FMVSS No. 105 or No. 135.

13. *Tire.* RMA took issue with that portion of our definition of "tire" that includes "the tire inflation valves, tubes, and tire pressure monitoring regulating systems, as well as all associated switches, control units, connective elements (such as wiring harnesses, hoses, piping, etc.) and mounting elements (such as brackets, fasteners, etc.)." The latter included tire pressure monitoring system components. RMA objected "to including non-tire components" on the grounds that NHTSA did not propose a definition of "tire," and thus the industry had no chance to comment on it. They have taken the opportunity to comment in their request for reconsideration.

Although we recognize that these components are not actually "tires" in

the common usage of the word, we believe that it is important to retain the definition as adopted in order to capture tire-related information in the possession of vehicle manufacturers that can affect the performance of a tire on a vehicle, as well as the actual tire itself. Therefore, we are denying RMA's petition on this point. However, to clarify that the broad definition of tire does not affect the reporting responsibilities of tire manufacturers under Section 579.26, we are amending the definition to state that it only applies to Sections 579.21–.24 and 579.27.

14. *Warranty claim.* The definition of "warranty claim" excludes "work performed . . . in connection with an emissions-related recall under the Clean Air Act." The Alliance requested us to amend this definition to exclude work performed in connection with any emissions-related recall under state emissions laws, such as might be required by the California Air Resources Board (CARB). It asserted that such an exclusion is consistent with the exclusion of Federal emissions recall work. We agree that there is no need to report work to satisfy State emissions-related recalls such as CARB might require on the so-called California car which distinguishes it from the EPA-regulated vehicles for initial sale in almost all other states. See 42 U.S.C. 7543(b), 7507; *Motor Vehicle Manufacturers Ass'n v. N.Y. State*, 17 F.3d 521 (2d Cir. 1994). Therefore, we are amending the definition of "warranty claim" to exclude "claims for reimbursement . . . in connection with a motor vehicle emissions-related recall under the Clean Air Act, or, in accordance with State law as authorized under 42 U.S.C. 7543(b) or 7507."

V. Petition by the Alliance Requesting Clarification of Property Damage Claims To Be Reported by Manufacturers of Motor Vehicles and Tires

With respect to the reporting of property damage claims with associated fatalities/injuries, the NPRM stated (66 FR 45846) that "If the incident that allegedly led to the property damage also resulted in a death or injury, the manufacturer would only report the incident as one involving a death or injury, and it would not be required to report the incident under the property damage requirement. Otherwise there could be a misleading 'double count.'" The Alliance noted that this clarification was not repeated in the final rule and asked for confirmation "that property damage claims are not separately reportable if the same