

annual limits of 15,000, 10,000, and 35,000 tires. In its petition for reconsideration, RMA asserted that “determining whether a tire meets the UTQGS exemption is not a simple matter and could lead to vastly different interpretations by tire manufacturers. Whether or not NHTSA intended the early warning reporting exemption to be identical to the UTQGS exemption, by doing so the agency has introduced a great deal of complexity into what should be a relatively straightforward issue.” In light of this, RMA requested “that the final rule be revised to exempt all tires with an annual production of 5,000 or less from the early warning reporting requirements in Sec. 579.26, and to delete the reference to UTQGS.”

Our intent through this rulemaking has been to establish a threshold for full reporting of an annual production or importation of 15,000 tires, as originally proposed (66 FR at 66225). Our decision to reference the UTQGS was an effort to simplify the process. It appears from RMA’s statement that by referring to “limited production tires,” we inadvertently made it more complicated. Therefore, we have decided to return to the specific number of 15,000 tires per year. However, we will retain the exclusion from full reporting for the types of tires excepted by Section 575.104(c)(1), since we believe that full reports on such tires would be unlikely to yield valuable information. Accordingly, the excepted phrase has been amended to incorporate the substance of Section 575.104(c)(1) without referencing UTQGS.

Our review of this issue revealed that we had made an inadvertent omission in the sentence establishing this exclusion. We stated that, with respect to the excluded tires, a manufacturer “need only report information on incidents involving a death, as specified in paragraph (b) of this section.” However, Section 579.26(b) actually requires reports of “incidents involving death *or injury*” (emphasis supplied). Therefore, we will add the words “or injury” to the sentence allowing exclusions from full reporting, which will now read:

For each group of tires with the same SKU, plant, and year for which the volume produced or imported is less than 15,000, or are deep tread, winter-type snow tires, space-saver or temporary use spare tires, tires with nominal rim diameters of 12 inches or less, or are not passenger car tires, light truck tires, or motorcycle tires, the manufacturer need only report information on incidents involving a death or injury, as specified in paragraph (b) of this section.

We decline to adopt RMA’s suggestion to reduce the threshold to

5,000 tires per year. While a lower threshold would result in additional reporting (and increase the reporting burden on manufacturers producing between 5,000 and 15,000 of a given tire annually), it is unlikely that this additional information would lead to the identification of significant numbers of safety defects.

Under Section 579.26(d), a tire manufacturer must provide NHTSA with a list of common green tires on a quarterly basis. Included in the information to be provided is the plant where the common green tire was manufactured, brand names, and brand name owners. RMA asserted that this would not enhance the value of common green information, which is to be able to group tires “according to common internal manufacturing specifications.” We are willing to simplify reporting by tire manufacturers by eliminating the requirement identify the tire plant, which the RMA asserted is repetitive with production charts and may be linked through the SKU number provided in common green tire reporting. However, we believe that a tire fabricator must identify in the common green listing tire brand name and brand name owners for the applicable tire line. Otherwise, we would not have reports of who is a brand name owner and should be reporting under Subpart C. Accordingly, we are revising the second sentence of Section 579.26(d) to read as follows:

(d) Common green tire reporting. * * * For each specific common green tire grouping, the list shall provide all relevant tire lines, tire type codes, SKU numbers, and brand name owners.

RMA asked how manufacturers should treat tires that are imported as original equipment on imported motor vehicles, or imported as replacement tires. With respect to imported replacement tires, it recommended that the final rule be amended to allow tire manufacturers to report only the quantity of tires imported during the quarterly reporting period for purposes of complying with Section 579.26(a). For tires that are imported as original equipment on motor vehicles, RMA asserted that tire manufacturers do not have access to all information required by Section 579.26(a), since it is proprietary to the vehicle manufacturer. For such imported tires, tire manufacturers can only report fatalities and injuries “for which they receive notification.” RMA recommended that the final rule be revised “to require tire manufacturers to report only injuries and fatalities associated with imported tires on OE vehicles.”

The final rule requires reporting by a “manufacturer” who has imported tires into the United States. See Section 579.26(a). Clearly, this covers an importer of replacement tires who, by virtue of being an importer of motor vehicle equipment for resale, is a manufacturer as defined by statute. See 49 U.S.C. 30102(a)(5)(B).

Under Section 579.26(a), a tire manufacturer must report “Information that states the manufacturer’s name, the quarterly reporting period, the tire line, the tire size, the tire type code, the SKU, the plant where manufactured, whether the tire is approved for use as original equipment on a motor vehicle, if so, the make, model, and model year of each vehicle for which it is approved, the cumulative warranty production, and the cumulative total production through the end of the reporting period.” An importer of tires for resale can determine this information from an examination of the tires, with the possible exception of the SKU, and the make, model, and model year of vehicles for which the tire is approved for original equipment. As the statute equates the act of importation with the act of production, the importer should not report total worldwide production, but only the number of tires of each tire line, size, etc., imported cumulatively through the end of the reporting period.

We generally do not consider importers of motor vehicles (with tires manufactured abroad) to be importers of the tires installed as OE on their vehicles, even though such tires are considered as “replacement equipment” for purposes of defect and noncompliance responsibility. See 49 CFR 573.4. Thus, with one exception (discussed below), we will not require importers of motor vehicles with foreign-made tires installed on the vehicle when imported to report under Section 579.26 as a tire manufacturer (though they would be required to report as a tire manufacturer if they import such tires separately for replacement purposes). If a vehicle manufacturer receives a claim, complaint, or field report about a tire on one of its vehicles (whether the tire was manufactured in the United States or imported), it must report that claim, etc. in the “tire” component category (code 19). Such claims, etc., would have to be reported to us even if the vehicle manufacturer forwarded them to the tire manufacturer for action or payment.

Nor would we expect tire manufacturers to report comprehensively on tires installed on new motor vehicles that they did not import themselves, since they would not have complete information as to