

production or other matters. Nevertheless, tire manufacturers must report information that they do receive, from whatever source, regarding claims or notices of death or injury, property damage claims, and warranty adjustments on their tires in the United States, whether they imported them or not. If such information were not reported, we would have an incomplete picture of emerging safety problems with such tires.

Notwithstanding the above discussion, an importer/manufacture of vehicles equipped with tires at the time of importation must report as a tire manufacturer under Section 579.26 with respect to the tires installed as original equipment on its imported vehicles under the rare circumstance where the foreign fabricator of the tires does not itself import any tires into the United States and therefore would not be reporting any early warning information to us. We have made a corresponding revision to Section 579.26.

Turning to motorcycle tires, RMA asserted that because of the way they are sold and distributed, it is not possible for tire manufacturers to identify the manufacturer of the motorcycle on which their tires will be OE, "nor to easily obtain this information." It urged deletion of the OEM column from the early warning reporting format for motorcycle tires. We are retaining the column (for all tires) because where a tire manufacturer does know the make, model, and model year for the OE application(s) of a tire, that information should be reported. If the tire manufacturer knows that a particular tire line, size, etc. is not used as OE on any vehicles, it should state "N" (for "none") in that field in the template. If it is not sure, it should state "U" (for "unknown") in that field.

Section 579.26 requires the reporting of early warning data "for each reporting period." The format that RMA suggested in its comment to the NPRM would provide for cumulative (*i.e.*, to the date of the report) reporting. Although NHTSA adopted RMA's suggested format to a large extent, the final rule required quarterly rather than cumulative reporting. In its petition, RMA reiterated its view that Section 579.26 should require the reporting of cumulative early warning data received by a manufacturer, by year of manufacture, through the end of each reporting period. We are denying RMA's petition on this point for the reasons stated in the final rule and because we want consistency in the manner of reporting among all manufacturers.

Finally, RMA raised several concerns about disclosure of early warning data.

The reconsideration of the early warning final rule is not the appropriate forum for resolving issues of substance regarding confidential submissions of early warning reporting information, which will be addressed in our ongoing rulemaking to revise 49 CFR Part 512.

VIII. Petition by the Alliance Requesting Reconsideration and Clarification of Some Requirements of Sections 579.21 and 579.28

In its petition for reconsideration, the Alliance contended that the requirement imposed by Section 579.28(b) to file reports "not later than 30 days after the last day of the reporting period" does not take into account that the 30th day could be a Saturday, Sunday, or Federal holiday. It suggested that the rule should explicitly provide that the due date would be the first business day following the weekend or Federal holiday. We are granting this request, and amending Section 579.28(b) appropriately.

Finally, in its letter of October 10, 2002, the Alliance noted an inconsistency between Section 579.21(c), and Sections 579.21(b) and (d). Section 579.21(c) requires submission of information relating to "the nine model years prior to the earliest model year in the reporting period," whereas the information to be submitted under Sections 579.21(b) and (d) relates to vehicles "less than ten calendar years old at the beginning of the reporting period." The Alliance recommended that subsections (b) and (d) be revised to use the same language as subsection (c). We are granting the Alliance's request, and, as well, are revising similar subsections in Sections 571.22–26.

IX. Issues Arising at NHTSA's Artemis Workshop

In January 2003, we conducted a workshop to familiarize personnel from industry with the data collection and retention system that we have established for the submission of early warning reporting data (referred to as "Artemis"). The workshop indicated several areas where clarifications and simplifications could be made, and we are "fine tuning" the final rule with some minor amendments.

1. Cover Sheets

Based on our previous experience with safety recalls and from a canvass of manufacturers at the workshop, some manufacturers may wish to provide cover sheets to explain or clarify one or more portions of the data they submit. For example, a manufacturer may wish to provide an explanation for a spike

appearing in data regarding a particular make, model, and model year of vehicle. We are willing to accept cover sheets provided on a voluntary basis. They may be sent to the Chief of the Defect Assessment Division, Office of Defects Investigation, NHTSA.

2. Reporting of Deaths and Injuries

At the workshop, some manufacturers requested that a new field be added to the Death and Injury Reporting Template that would allow a manufacturer to assign a unique alphanumeric code to its submission of information under paragraph (b) of Sections 579.21–26. We are adding this field to the data template but wish to emphasize that assigning such a code is voluntary and is not required. If a manufacturer has not assigned a code, it may leave the field blank.

We also want to emphasize that subsequent submissions of information to supplement that previously reported is required only for reporting of incidents involving death or injury. See Section 579.28(f) and the associated preamble discussion at 67 FR 45862–63.

The question arose whether a manufacturer who reports under Section 579.27(a) must file a report on deaths and injuries at the end of a quarter in which it received no claims or notices of death or injury. The answer is no, and we are amending Section 579.27(b) to make this clear. To require such a report would impose an unnecessary burden upon low-volume vehicle manufacturers and manufacturers of original or replacement equipment other than child restraint systems and tires. On the other hand, we believe that reports should be required of all manufacturers reporting under Sections 579.21–26 and cover all categories of reporting, even when no relevant information has been received during a quarter. If we do not require a "zero" report, we will not know at the end of a quarter whether a report is overdue. This will assure that we have an uninterrupted flow of reports. We are making an appropriate amendment to Section 579.28(b).

3. Field Reports

The final rule requires that copies of non-dealer field reports be submitted "alphabetically by make, within each make alphabetically by model, and within each model chronologically by model year." See, *e.g.*, Section 579.21(d). This information standing alone will not allow us to easily identify, review, and analyze the subject of these field reports in any organized manner. We need to know the applicable system(s) or component(s) covered by a given field report. This