

DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration****[Docket No. NHTSA 03-15651]****Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment****AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).**ACTION:** Notice of draft interpretations; request for comments.**SUMMARY:** This notice sets forth two draft interpretations concerning how our standard on lamps, reflective devices, and associated equipment applies to replacement equipment. We will issue final interpretations after the comment period closes, and after considering any comments submitted.**DATES:** You should submit comments early enough to ensure that Docket Management receives them not later than September 2, 2003.**ADDRESSES:** You may submit comments (identified by the docket number set forth above) by any of the following methods:

- Web site: <http://dms.dot.gov>.

Follow the instructions for submitting comments on the DOT electronic docket site. Please note, if you are submitting petitions electronically as a PDF (Adobe) file, we ask that the documents submitted be scanned using Optical Character Recognition (OCR) process, thus allowing the agency to search and copy certain portions of your submissions.¹

- Fax: 1-202-493-2251.
- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-001.

- Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Instructions: All submissions must include the agency name and docket number. For detailed instructions on submitting comments, see the Submission of Comments heading of the **SUPPLEMENTARY INFORMATION** section of this document. Note that all comments received will be posted without change to <http://dms.dot.gov>, including any

personal information provided. Please see the Privacy Act heading under Regulatory Notices.

Docket: For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> at any time or to Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

FOR FURTHER INFORMATION CONTACT:

Taylor Vinson, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC, 20590, Telephone: (202) 366-5263, Fax: (202) 366-3820.

SUPPLEMENTARY INFORMATION: One of the functions performed by NHTSA's Chief Counsel is to issue interpretations of the statutes administered by the agency and regulations issued by the agency under those statutes. See 49 CFR 501.8(d)(5). These interpretations are typically issued in the form of a letter responding to a request for interpretation from a manufacturer or other interested person. Our interpretations have always been placed in public viewing files and, more recently, have been available to the public on the web.

In reviewing how we handle interpretations, we believe that, in certain cases, particularly those involving important novel issues and potentially broad impacts, it would be beneficial to publish draft interpretations in the **Federal Register** to provide an opportunity for public comment before making these interpretations final. This will help ensure that we have considered all relevant issues prior to publishing a final interpretation.

We will provide a 45-day comment period. All timely comments will be considered before we publish a final interpretation.

Our interpretations include all relevant information necessary to understand the issues raised by the interpretation. Consequently, we generally will not publish the incoming request for interpretation. However, we will place the incoming request for interpretation in the docket, as background information.

In this notice, we are setting forth two draft interpretations concerning how our standard on lamps, reflective devices, and associated equipment applies to replacement equipment. They respond to two requests for interpretation submitted by Calcoast-ITL, a testing company.

Draft Interpretation No. 1

This replies to your letter requesting an interpretation of Federal Motor Vehicle Safety Standard No. 108, Lamps, reflective devices, and other associated equipment. You asked whether replacement lamps are required to have all the functions of original lamps. You also asked whether replacement lamps for the rear of a vehicle may have the reflex reflectors in a location that is inboard from that in the original lamps. We respond to your questions below.

You asked your questions in connection with replacement lamps for the rear of certain Honda Civics. The Honda Civics, as originally manufactured, include two lamps on each side of the rear of the vehicle, one lamp on the vehicle body and an adjacent one (inboard from the other lamp) on the decklid (back of the trunk). The lamps on the vehicle body include a reflex reflector.

You stated that you have received two sets of replacement lamps for testing that would replace all four of these original lamps. In both cases, there is no reflex reflector on the replacement lamps for the vehicle body. However, a reflex reflector is included on the adjacent replacement lamp for the decklid.

As discussed below, these lamps would not comply with Standard No. 108.

By way of background, Standard No. 108 specifies requirements for original and replacement lamps, reflective devices, and associated equipment. Paragraph S1 of Standard No. 108. The standard applies to passenger cars, multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles. S3(a). The vehicle manufacturer is required to certify that the vehicle, when new, meets, among other things, Standard No. 108's requirements with respect to lamps, reflective devices, and associated equipment.

Standard No. 108 also applies to lamps, reflective devices, and associated equipment for replacement of like equipment on vehicles to which this standard applies. S3(c). Thus, the manufacturer of a replacement lamp (or other replacement equipment covered by the standard) is required to certify that the equipment meets the standard's requirements.

S5.8.1 of the standard provides that, with certain exceptions not relevant here, "each lamp, reflective device, or item of equipment manufactured to replace any lamp, reflective device, or item of associated equipment on any vehicle to which this standard applies,

¹ Optical character recognition (OCR) is the process of converting an image of text, such as a scanned paper document or electronic fax file, into computer-editable text.