

APR 30 2003

Mr. Vic R. Cook
Sundown Trailers
HC 61 Box 27
Coleman, OK 73432

Dear Mr. Cook:

This is in reply to your inquiry that was filed on November 14, 2002, in our public docket on the early warning reporting rulemaking (49 CFR 579, Subpart C). You have asked five questions with respect to this rule. The first question was:

The one time historical report requires production information for the previous (10) years; make, model, model year and service brake type. Is this correct and if so how should we handle missing information such as service brake type or possibly all information on such units? Do we submit partial information or leave those units out?

Under the one-time historical reporting provisions (Section 579.28(c)), Sundown Trailers (Sundown) must provide data as specified in Section 579.24; i.e., information "with respect to each make, model, and model year of trailer manufactured during the reporting period and the nine model years prior to the earliest model year in the reporting period, including models no longer in production" with respect to information required under Sections 579.24(a) and (c). Under Section 579.24(a), if a trailer model is or has been manufactured with more than one type of service brake system (i.e., hydraulic or air) production information must be reported by each of the two brake types. We do not understand how a manufacturer would not know what type of service brake system was installed on its vehicles. However, we note that in the preamble to the July 10, 2002, final rule (67 FR at 45859), we stated that "if a medium-heavy vehicle, bus, or trailer has a type of service brake system not readily characterized as an 'air' or 'hydraulic' brake system . . . , the manufacturer should indicate hydraulic service brakes on its report (Code 03)." This would also apply to any "unknown" type of service brake system.

The one-time historical report required by Section 579.28(c) also involves furnishing information with respect to warranty claims and field reports for a specified three-year period. Your second question was related to the first, how should Sundown treat warranty and field reports where certain required information is "missing." This

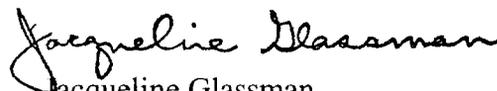
information presumably would be identification of the system or component covered by the warranty claim or field report, specified by codes 02 through 21 in Section 579.24(b)(2), or a fire (code 23). We do not understand why this information would be missing, since it would be specified in the warranty data or on the field report. We note, however, that neither Section 579.24 nor Section 579.28(c) establish a code number for reporting where the system or component is unknown. However, if the component or system involved is not specified in such codes, and the incident did not involve a fire, Section 579.24(c) specifies that "no reporting is necessary." Your third question concerned field reports: "if they do not fall in any of the listed categories we are not required to list them?" That is correct; as noted above, if the component or system involved is not specified in such codes, and the incident did not involve a fire, Section 579.24(c) specifies that "no reporting is necessary."

Your fourth question also related to field reports: "we are to submit in conjunction with require data full reports of each entry. What format will be required? Will there be option for more than one?" I assume that this refers to non-dealer reports. As specified in Section 579.29(b), documents "may be submitted in digital form . . . or as an attachment to an e-mail message . . ." However, this section also provides that "such documents may be submitted in paper form." Please note that we anticipate establishing a naming convention for field reports which will be set forth in the near future on the Office of Defects Investigation website.

Finally, you asked "what is a manufacturer to do if they either have no internet capabilities or have nothing more than a regular phone line service in their area? I understand that they cannot submit their report by mail." The regulations include vehicle production thresholds such that relatively small vehicle manufacturers will not be required to report, except as to claims and notices for incidents involving death (and injuries in an incident involving death). A small manufacturer that produces a quality product should expect few if any of these claims. In any event, a regular phone line will support internet access. A manufacturer could use an internet connection at a public facility, such as a library. In view of the number of manufacturers covered by the EWR regulations, and the volume of reports and data that they are required to provide, the only practicable way for NHTSA to receive these submissions is through standardized reporting templates on the NHTSA website transmitted electronically into the agency's central data repository.

If you have any questions, you may call Taylor Vinson of this Office (202-366-5263).

Sincerely,



Jacqueline Glassman
Chief Counsel