

OCT 9 2003

Lawrence F. Henneberger, Esq.
Christopher H. Grigorian, Esq.
Arent Fox Kintner Plotkin & Kahn, PLLC
1050 Connecticut Ave., NW
Washington, D.C. 20036-5339

Dear Mr. Henneberger and Mr. Gregorian:

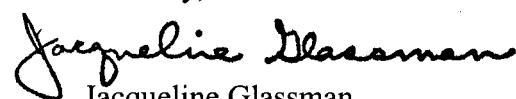
This is in reply to your letter of July 29, 2003, on behalf of your client, the Motor & Equipment Manufacturers Association (MEMA), requesting an interpretation of one provision of NHTSA's early warning reporting (EWR) regulation, 49 CFR 579.27(c).

Section 579.27 requires manufacturers to which the section applies to report information about each incident involving one or more deaths in the United States and in, certain instances, in a foreign country "that is identified in a claim against and received by the manufacturer which notice alleges or proves that the death was caused by a possible defect in the manufacturer's vehicle or equipment." (Section 579.27(b)). Among the information that must be provided, the manufacturer must separately report "the number of injuries for incidents occurring in the United States" (Section 579.27(c)).

You stated that "a literal reading of subsection (c) of the final rule indicates that in the event an equipment manufacturer reports an incident involving a death, it should also provide in its report the number of injuries, if any, if the incident occurred in the United States." This is correct. You also noted that the language of the final rule is not the same as that in the NPRM. This, too, is correct. As you know, final rules frequently include changes from the NPRM. We believe that the final rule is within the scope of the statute and the proposed rule.

Thank you for your inquiry. If you have any questions, please call Andrew DiMarsico (202) -366-5263.

Sincerely,

A handwritten signature in black ink that reads "Jacqueline Glassman". The signature is written in a cursive style with a large initial "J".

Jacqueline Glassman
Chief Counsel