

NOV 3 2003

Janet L. Kercher-Dudley
Standards Engineer
TurtleTOP
67819 State Road 15
New Paris, Indiana 46553

Dear Ms. Kercher-Dudley:

This is in reply to your letter of September 18, 2003, which was received in this office on October 1, 2003 relating to the early warning reporting (EWR) regulation adopted by the National Highway Traffic Safety Administration, 49 CFR Part 579.

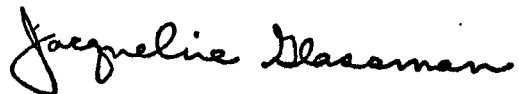
In your letter you reported that TurtleTOP manufactures a volume of transit buses that places it into the "larger group of manufacturers required to report under TREAD Act provisions into the category of medium-heavy vehicles and all buses." You also reported that TurtleTOP manufactures vans that fall into the light vehicle category, but that this production is substantially less than 500 units per year.

As to the vans, you stated that it was TurtleTOP's understanding that, no matter what the volume level, TurtleTOP is required to submit quarterly early warning information about all claims or notices it receives involving fatalities within the United States on those vans. You further requested that we confirm the company's understanding that, due to production levels below 500 units per year and the regulatory classification of the vans into the category of light vehicles (as opposed to medium-heavy trucks or buses), TurtleTOP is not required to report the information required under "the other EWR quarterly reporting provisions of the TREAD Act" for those vans. You referenced information relative to injuries, consumer complaints, property damage claims, warranty claims, and field reports as examples of information TurtleTOP would not be required to report as to its vans.

TurtleTOP's understanding that its vans are subject to the limited reporting requirements of 49 CFR 579.27 (including information about claims involving fatalities outside the United States), is correct assuming the information you provided as to the classification type (i.e., light vehicle) and annual production of those vans is accurate. See 49 C.F.R. 579.27 and 66 Fed. Reg. 18136, 18139 (April 15, 2003).

If you have any further questions, please refer them to Andrew DiMarsico of this Office (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