

NOV 10 2003

Bruce P. Paige, Esquire  
Vorys, Sater, Seymour and Pease LLP  
52 East Gay Street  
P.O. Box 1008  
Columbus, OH 43216-1008

Re: Request for Interpretation

Dear Mr. Paige:

This is in reply to your email letter of October 3, 2003, to Andrew DiMarsico of my staff asking for a clarification of 49 CFR 579.5, which was amended at the time the National Highway Traffic Safety Administration (NHTSA) promulgated its early warning reporting (EWR) on July 10, 2002, 67 FR 45822.

In your email to Mr. DiMarsico, you stated that you believe that there is some confusion over the reporting obligations of an original equipment manufacturer (OEM) that manufactures parts for only one vehicle manufacturer. You believe that this alleged "confusion" seems to have been caused by moving Section 573.8 to Section 579.5(a). You noted that Section 573.3 allows an OEM that manufactures parts for only one vehicle manufacturer to have its reporting obligations under Part 573 met so long as the vehicle manufacturer files a report for both itself and the OEM. You then noted that Section 579.5 does not have a comparable provision. In addition, you stated that Section 579.5(b) requires the submission of material not formerly addressed in Section 573.8. Accordingly, you asked two questions:

(1) If an OEM manufactures parts that only enter the stream of commerce through a single vehicle manufacturer, under Section 579.5(a) may the vehicle manufacturer report to NHTSA, on behalf of both itself and the OEM, the requisite notices, bulletins, customer satisfaction campaigns, consumer advisories and other communications pertaining to defects in such parts?

(2) If an OEM manufactures parts that only enter the stream of commerce through a single vehicle manufacturer, under Section 579.5(b) may the vehicle manufacturer report to NHTSA, on behalf of both itself and the OEM, the requisite information relating to a customer satisfaction campaign, consumer advisory, recall, or other safety activity involving the repair or replacement of such motor vehicle parts?

The answer to both your questions is no. All OEMs, including OEMs that manufacturer parts that only enter into use through a single vehicle manufacturer, have an obligation, independent of the vehicle manufacturer, to provide reports to NHTSA pursuant to Sections 579.5(a) and (b). This obligation arises when the equipment manufacturer issues a notice, bulletin, customer satisfaction campaign, consumer advisory or any other communication that falls within the scope of Section 579.5(a) or (b) and when the manufacturer sends it to more than one manufacturer, distributor, dealer, lessor, lessee, owner or purchaser in the United States. Vehicle manufacturers have the same obligations for notices that they issue. Ordinarily, a vehicle manufacturer would not have reason to submit a notice issued by a supplier.

If you have any questions, you may phone Andrew DiMarsico of my staff at (202) 366-5263.

Sincerely,

*Jacqueline Glassman*  
Jacqueline Glassman  
Chief Counsel