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June 18, 2002

The Honorable Jeffrey W. Runge, M.D.
Administrator
National Highway Traffic Safety Administration
400 Seventh St., S.W.
Washington, DC 20590

Subject: Docket No. NHTSA-02-12150
Confidential Business Information
Request to Extend Comment Deadline

Dear Dr. Runge:

The Association of International Automobile Manufacturers (AIAM) hereby requests that you extend the time to comment on NHTSA's proposed revisions to its Confidential Business Information regulations set forth in 49 CFR Part 512 (see 67 Fed. Reg. 21198, April 30, 2002). We request that the time for comment (currently July 1, 2002) be extended to a date that is 15 days after the date of issuance of the agency's final rule on "early warning" reporting of defect-related information.

The agency's proposal would apply broadly to various types of information submitted to or obtained by the agency. However, from the perspective of our member companies the most significant issue raised by the proposal is the treatment of "early warning" information that will be reported to the agency under the Transportation Recall Enhancement, Accountability, and Documentation ("TREAD") Act. The agency proposed early warning reporting requirements on December 21, 2001. The TREAD Act requires (49 U.S.C. 30166(m)(2)) that the early warning final rule be issued not later than June 30, 2002, and it is our understanding that the Office of Management and Budget is now reviewing the rule. In order to prepare useful, focused, appropriate comments on the confidential business information matter, it is necessary for us to know the precise elements of the early warning reporting requirements. For example, we cannot evaluate the potential competitive harm resulting from the public release of reported information until we know exactly what information will be reported.

We believe that extension of the comment deadline would be consistent with the public interest, in accordance with agency regulations (49 CFR 553.19). As noted above, the TREAD early warning aspects of the confidentiality proposal are a key element of that proposal. We cannot prepare effective comments to assist the agency in evaluating competitive impacts of the agency's proposed policies without knowing which information is in question. It is in the public interest for all parties to know more precisely the potential impacts of the agency's confidential information proposal in preparing comments.

BUCKLE UP AMERICA

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AIAM

On the other hand, we are not aware of any particular harm that would result from a relatively short extension of the comment period, or any interest of any party that would be impaired by an extension. Unlike the early warning rule, which is subject to a statutory deadline for issuance, we are aware of no similar deadline or circumstance that makes issuance of a final rule on confidential business information time critical. Therefore, granting the time extension would promote the public interest by facilitating more informed, focused comment to aid the agency in developing its policy on confidential information, while there is no significant harm associated with such an extension.

We request that NHTSA waive the 15-day period in 49 CFR 553.19 in this instance. Our failure to meet that date by a small amount was due to the fact that we did not appreciate until we were well into the process of developing our comments the extent to which our ability to comment would be impaired by the lack of detailed information about the early warning final rule. We are unaware of any harm that would accrue to any party as a result of a waiver of this criterion.

We appreciate your consideration of this matter. If you have any questions regarding our request, please feel free to contact me at 703/247.2105.

Sincerely,

Michael X. Cammisa

Michael X. Cammisa
Director, Safety

cc: Heidi L. Coleman, Assistant Chief Counsel