

February 26, 2001

National Highway Traffic Safety Administration
Docket Management
Room PL-401
400 Seventh Street, S.W.
Washington, DC 20590

Re: Docket No. NHTSA-2000-8510

To Whom It May Concern:

On December 26, 2000, NHTSA published an interim final rule and a request for comments regarding Motor Vehicle Safety; Criminal Penalty Safe Harbor Provision. The Tire Association of North America (TANA) is submitting comments on the interim rule on behalf of our members.

TANA is an 80-year-old trade association that represents approximately 4,000 independent tire dealers – and the tire dealer industry at large – in North America. TANA members are primarily small businesses that sell, service and install new, used and retreaded tires on all vehicles, from passenger cars to heavy equipment and trucks. Many tire dealers also perform automotive service and repair work.

The TREAD Act directs NHTSA to establish a “reasonable time” for a person to correct any improper reports or failure to report. TANA objects to the language proposed by NHTSA in the interim final rule which reads: “NHTSA

has concluded that, in order to satisfy the “reasonable time” element of the safe harbor provision, the person seeking protection from criminal liability must correct each improper...report...not more than twenty-one (21) calendar days after the date of the report to the agency and must correct each failure to report not more than twenty-one (21) calendar days after the information or documents were due to be sent to or received by the agency...”

TANA believes that the safe harbor provision should provide for a time period of twenty-one (21) days from the date of discovery of the improper report, not the date the report was due. It could be weeks or months before an individual discovers a mistake or omission in a report. The EPA regulation on which NHTSA is basing this safe harbor provision includes the phrase “21 days after discovery.” Therefore, if NHTSA is truly basing this interim final rule on the framework adopted by EPA’s regulations, the same terminology and time frame should be utilized.

If the “reasonable time” is changed to twenty-one (21) days from the date of discovery, TANA can and will support this rule.

If you have any questions about these comments submitted by TANA, please contact me at 703/736-8082. We look forward to working with you on these issues in the future.

Sincerely,

Becky MacDicken
Director of Government Affairs