DOT Docket No. NHTSA-02-11419
Docket Management
U.S. Department of Transportation
Room PL-401
400 Seventh Street, SW
Washington, DC 20590

Supplemental Comments of Public Citizen
Regarding 49 CFR Part 533
Light Truck Average Fuel Economy Standards
Model Years 2005-2007

RE: Relevant Ex Parte Communications Omitted from Public Docket

Dear Dr. Runge,

Public Citizen is concerned that particular ex parte communications between the National Highway Traffic Safety Administration (NHTSA) and the automobile companies Ford and General Motors were not made available to the public in the agency's docket. These emails, obtained by a Freedom of Information Act (FOIA) request, are communications between the agency and manufacturers regarding the industry's baseline numbers for light truck average fuel economy.

Relevant communications between NHTSA and the auto industry should be made part of the public docket

The first email is from Ken Katz (the lead NHTSA Engineer on the rule) to Mark Kemmer from General Motors. This email, copied below, shows that the agency used industry "estimates for the fuel economy of each technology." Unfortunately, these estimates were never made public, nor were these direct communications.

From: Ken Katz
To: Mark.L.Kemmer@GM.com
Date: 12/16/02 3:40PM
Subject: GM Spreadsheet

Mark,

This is the spreadsheet that we used to analyze GM's fuel economy potential. The assumptions are listed up front on the first page. We used GM's estimates for the fuel economy improvement of each technology.

Ken

The second email, from Ken Katz to Walt Kreucher, the Manager of Vehicle Energy Planning shows that NHTSA used Ford's projections that were less than the manufacturers' public commitment to increasing its SUV fuel economy average by 25 percent.

From: Ken Katz
To: "wkreuche@ford.com".gwhub.hubsmtp
Date: 8/1/02 9:08AM
Subject: Re: SUV Commitment

Thanks for the clarification, Walt. We are relying on the numbers in the projections more than what the SUV pledge was, although I am aware that it was backed up with the numbers that I have seen.

>>> wkreuche@ford.com 08/01/02 07:48AM >>>
I just wanted to remind you that the Ford S"UV commitment included some products that are not included in CAFE. Backing these out of the commitment adjusts the 25% down to 22% for CAFE purposes.

Walt Kreucher
Manager
Vehicle Energy Planning
313-845-8247 phone
313-390-0382 fax

Both of these emails point to a direct relationship between NHTSA engineers and industry representatives that should have been made public by the agency.

Sincerely,

Joan Claybrook
President, Public Citizen