



SUBARU.

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September 16, 2020
Ref. No.: GR20-031

Docket Management Facility
U.S. Department of Transportation
1200 New Jersey Avenue, SE
West Building, Ground Floor, Room W12-140
Washington, DC 20590-0001

Re: Docket NHTSA-2020-0086

FMVSS No. 141, "Minimum Sound Requirements for Hybrid and Electric Vehicles" re: September 1, 2020 Interim Final Rule; Request for Comments

North American Subaru, Inc. ("Subaru"), on behalf of SUBARU CORPORATION and Subaru of America, Inc., would like to request clarification of NHTSA's September 1, 2020 Interim Final Rule to amend FMVSS No. 141 by deferring the phase-in and compliance dates by six months.

Request for Clarification

Specifically, Subaru would like to clarify whether NHTSA intended the end of the 50% phase-in period to be either (1) before February 28, 2021 or (2) before March 1, 2021.

The title of FMVSS No. 141, S9.1 addresses "Hybrid and Electric Vehicles manufactured on or after March 1, 2020, and before February 28, 2021."

However, "before March 1, 2021" is used in subsequent sections.

Highlighted in red below are the use of these different end dates.

§571.141 Standard No. 141; Minimum Sound Requirements for Hybrid and Electric Vehicles.

* * *

S9.1 Hybrid and Electric Vehicles manufactured on or after March 1, 2020, and before February 28, 2021.

For hybrid and electric vehicles to which this standard applies manufactured on and after March 1, 2020, and before March 1, 2021, except vehicles produced by small volume manufacturers, the quantity of hybrid and electric vehicles complying with this safety standard shall be not less than 50 percent of one or both of the following:

- (a) A manufacturer's average annual production of hybrid and electric vehicles on and after September 1, 2016, and before September 1, 2019;
- (b) A manufacturer's total production of hybrid and electric vehicles on and after March 1, 2020, and before March 1, 2021.

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Part 585 Subpart N—Minimum Sound Requirements for Hybrid and Electric Vehicles Reporting Requirements

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§585.130 Applicability.

This subpart applies to manufacturers of hybrid and electric passenger cars, trucks, buses, multipurpose passenger vehicles, and low-speed vehicles subject to the phase-in requirements of S9.1 Hybrid and Electric Vehicles manufactured on or after March 1, 2020, and [before March 1, 2021](#) (49 CFR571.141).

* * *

This presumed inconsistency would affect only one day's-worth of production (i.e. whether to include vehicles produced on February 28, 2021), but as this could impact the calculation of complying vehicles to the 50% phase-in requirement, we would like to confirm NHTSA's intent.

Closing

Subaru appreciates the opportunity to provide the agency with our additional input concerning the Interim Final Rule published on September 1, 2020.

If you have any questions, please do not hesitate to contact me at (443) 430-3619.

Sincerely,

John Frooshani

John Frooshani
Vehicle Regulatory Manager
Government Regulatory Affairs