EXHIBIT 400

James D. Sillery, Esq.
Mollica, Gall, Sloan and Sillery Co., L.P.A.
35 North College St.
Post Office Drawer 958
Athens, OH 45701

Dear Mr. Sillery:

This responds to your April 25, 2001, letter in which you relate an incident in which the seats of a 1999 Toyota Camry automobile collapsed in a rearward direction after the vehicle was struck from behind. You further indicate that the manufacturer of the vehicle has indicated to you that the seats in question were designed to "yield" in the event of a rear impact in order to absorb the energy that would otherwise be transmitted to the seat occupant in a rear end collision. You are concerned about the potential safety consequences of such a seat collapse for both the occupant of the seat and other occupants sitting to the rear of an occupied seat. Due to your concern, you ask if the issue of seat back strength has been "dealt with" by this agency and what the agency's position is in regard to these seats.

We would like to begin by explaining that the National Highway Traffic Safety Administration (NHTSA) is authorized to issue Federal motor vehicle safety standards that set performance requirements for new motor vehicles and items of motor vehicle equipment. Manufacturers are required to certify that their products conform to our safety standards before they can be offered for sale.

NHTSA is very concerned about seat back strength and performance. The agency's present performance standard for seats, Standard No. 207 (49 CFR 571.207) went into effect for passenger cars in 1968 and was extended to multipurpose vehicles, trucks and buses in 1972. Since that time NHTSA has embarked on a number of actions intended to study the feasibility of upgrading the standard's requirements. In 1989, the agency granted five petitions for rulemaking. Each requested that NHTSA consider certain changes to Standard No. 207. Pursuant to the granting of these petitions, NHTSA published a Request for Comments in the Federal Register (57 FR 54958) in November 1992 asking for input on agency research findings and a proposed research plan. (Responses to the request for comments, which you may find illuminating, can be accessed through the Department of Transportation's electronic docket system at http://dms.dot.gov/ under docket number 4064.) Since the publication of the Request for Comments, NHTSA has performed a study of the relationship between seat performance and injuries and conducted research aimed at gaining a greater understanding of seat performance and the means for improving seat performance (1).

We note that your letter asks for the agency's position on "these kinds of seats." We assume that in referring to "these kinds of seats" that you are asking for NHTSA's view on seats that deform or "collapse" in a rearward direction in a serious rear impact and whether seats that deform or "yield" in a rear impact are desirable.

For many years, there has been considerable debate among automotive safety experts regarding the level of seat back stiffness. The issues surrounding this debate are quite complex and the agency is

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assessing the merits of several options related to the modification of the seat standard. We anticipate issuing a Notice of Proposed Rulemaking to upgrade this standard next spring. However, as the agency's proposal has not yet been released, we cannot provide you with more specific information at this time.

I hope this information is helpful to you. If you have any questions or need further information, please feel free to contact Otto Matheke of this office at

(202) 366-3820.

Sincerely,

John Womack
Acting Chief Counsel

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1. [1](http://www.nhtsa.dot.gov/cars/rules/crashworthy/Seats/index.html)
(http://www-nrd.nhtsa.dot.gov/departments/nrd-01/summaries/B0119.html)

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