



U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

APR 12 1999

400 Seventh St., S.W.
Washington, D.C. 20590

R. Ben Hogan, III
Hogan, Smith & Alspaugh, P.C.
2323 Second Avenue North
Birmingham, AL 35203-3758

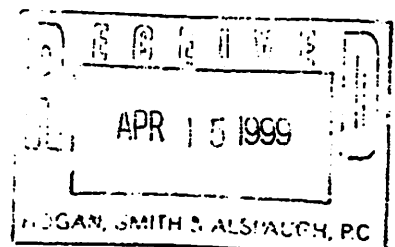
Dear Mr. Hogan:

The purpose of this letter is to notify you that the National Highway Traffic Safety Administration has made a determination to grant your petition dated December 9, 1998, requesting the agency to suspend the existing FMVSS No. 207 and institute rulemaking to upgrade Federal motor vehicle safety standards for seat crashworthiness.

Please note that the granting of this petition does not necessarily mean that this standard will be revised as requested. Rather the granting of this petition signifies that the agency believes that a further review of the issues raised in the petition appears to have merit. The determination of whether to issue a rule will be made in the course of the rulemaking proceeding, in accordance with statutory criteria.

Sincerely,

L. Robert Shelton
Associate Administrator
for Safety Performance Standards



LAW OFFICES
HOGAN, SMITH & ALSPAUGH, P. C.
2323 SECOND AVENUE NORTH
BIRMINGHAM, ALABAMA 35203-3758

PHONE (205) 324-5635
FAX (205) 324-5637
WATS (800) 223-2535

WILLIAM W. SMITH
M. CLAY ALSPAUGH
R. BEN HOGAN, III*
RONALD R. CROOK
RICHARD D. STRATTON**
J. LEE ROBERTS, JR.
BENJAMIN E. BAKER, JR.***
MAXWELL D. CARTER

April 19, 1999

OF COUNSEL
C. W. "DUGAN" CALLAWAY

ROSCOE B. HOGAN
1921-1994

*ALSO MEMBER WASHINGTON, D.C. BAR
**ALSO MEMBER FLORIDA BAR
***ALSO MEMBER GEORGIA BAR

Kenneth J. Saczalski, Ph.D.
Environmental Research and Safety Technologists
1440 West Bay Avenue
Newport Beach, California 92661

Re: Curry v. Mazda

Dear Ken:

Based on the Curry case I petitioned NHTSA for a review of the adequacy of existing Federal Motor Vehicle Safety Standard 207 on seat backs. I enclose a copy of my letter received April 12, 1999 granting my petition. In future cases in which they try to get you to admit that existing seat backs comply with NHTSA standards, you can now point out that this standard is being reviewed by NHTSA for upgrade.

Best regards,

HOGAN, SMITH & ALSPAUGH, P.C.

By: 
R. Ben Hogan, III

RBH,III/jck
Enclosure

cc: Frank Buck (Via Fax: 933-7545)
Russ Langley (Via Fax: 803-4008)