



December 22, 2006

Via E-Mail and U.S. Mail

Alexa Malik,  
Regulations Coordinator  
California Air Resources Board  
1001 I Street  
Sacramento, CA 95814

Re: Current Contents of the Record for the Warranty and Defect  
Reporting Rulemaking, Especially Staff's Consideration of  
Rulemaking Alternatives

Dear Ms. Malik:

I write to you at the suggestion of the Air Resources Board's Chief Counsel, Tom Jennings. Mr. Jennings indicated in a December 1, 2006 letter, which I attach ("Attachment 1"), that I could contact you (or Messrs. Valencia or Dickerson) for a clarification of the contents of the official rulemaking record or "file" in this matter.

On October 30, 2006, I wrote to Executive Officer Catherine Witherspoon, indicating that the October 10, 2006 initial statement of reasons ("ISOR") to support this rulemaking was legally defective in failing to properly consider certain alternatives. *See* Attachment 2. In that letter, I also asked that staff clarify that the May 2006 proposal submitted by the Alliance formed a part of the rulemaking file. Also, I now ask for a clarification that all of the workshop documents issued since April 2006 by staff are presently included in the record for this rulemaking, especially including staff's own initial proposal. As the Alliance of Automobile Manufacturers indicated in its comments on this rulemaking filed on December 7, 2006, that proposal was required to be considered at the ISOR stage. And it seems to us beyond dispute that staff-generated documents in the workshop process were considered by staff in formulating the proposal and hence must be deemed part of the rulemaking record.

If it would be more efficient to simply provide a list of all materials presently contained in the docket for this rulemaking, that would be optimal for purposes of our request. But at a minimum we would like to have clarified that the Alliance's May 2006 alternative and staff's April 2006 alternative are currently contained in the rulemaking record. As indicated, we have

been making such a request since October 2006. *See also* Attachment 3 (November 28, 2006 follow-up Alliance letter).

Please do not hesitate to contact me with any questions about this request. Consistent with the upcoming holiday season, we hope that given the Board's recent decision to take this rulemaking up again sometime within the next six months (and especially given staff's tentative decision to set a new Board hearing for March 2007) a response to this letter concerning the contents of the administrative record can be sent to us before the end of January 2007. Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script that reads "Julie C. Becker".

Julie C. Becker  
Assistant General Counsel  
Alliance of Automobile Manufacturers  
1401 I Street, N.W., Suite 900  
Washington, DC 20005

cc: Tom Jennings, Chief Counsel  
Kirk Oliver, Senior Staff Counsel  
Tony Dickerson, Air Resources Engineer  
Tom Valencia, Air Pollution Specialist