



U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

1200 New Jersey Avenue SE.
Washington, DC 20590

AUG 26 2014

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Brian Latouf, Director
Product Investigation and Safety Regulations
General Motors LLC
Mail Code: 480-210-2V1
30001 Van Dyke Road
Warren, MI 48090-9020

NVS-212pco
DP14-001

Dear Mr. Latouf:

This letter is to inform you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has opened a Defect Petition (DP14-001) to assess the merits of a defect petition request concerning the Occupant Classification System (OCS) in certain model year (MY) 2008 Chevrolet Impalas. The petitioner alleges that the subject MY2008 Impala right front seat OCS, which was occupied by an adult passenger at the time, had incorrectly altered the occupant classification and suppressed the deployment of the passenger frontal air bag during a crash and at the moment just prior to the impact. This condition is known as an air bag split deployment (i.e. the driver frontal air bag deployed and the passenger frontal air bag was suppressed when an adult was present) and is referred to below as an ABSD. GM refers to the OCS system used on the MY 2008 Impala as the PODS-B system.

This office has identified one (1) related complaint (Vehicle Owner's Questionnaire, or VOQ), also supplied by the petitioner on the same subject vehicle incident. An electronic image of this VOQ report along with other information provided by the petitioner has been provided to your office. The specific reference or ODI number for the report is 10568388.

Unless otherwise stated in the text, the following definitions apply to these information requests:

- **Subject vehicles:** All model year (MY) 2006-2008 Chevrolet Impala vehicles (except the special duty police interceptor vehicles), equipped with the same PODS-B OCS subject component, manufactured for sale or lease in the United States.
- **Peer vehicles:** All model year (MY) 2006-2008 GM Chevrolet Cobalt (except the Cobalt SS vehicles), Buick Lucerne, Cadillac DTS, Cadillac XLR vehicles using the same PODS-B OCS as the subject vehicle, manufactured for sale or lease in the United States.

- **Subject component:** passenger air bag PODS-B OCS used in the MY2008 Chevrolet Impala vehicles.

- **GM:** General Motors LLC (GM), all of their past and present officers and employees, whether assigned to its principal offices or any of its field or other locations, including all of its divisions, subsidiaries (whether or not incorporated) and affiliated enterprises and all of their headquarters, regional, zone and other offices and their employees, and all agents, contractors, consultants, attorneys and law firms and other persons engaged directly or indirectly (e.g., employee of a consultant) by or under the control of Honda (including all business units and persons previously referred to), who are or, in or after January 1, 2003, were involved in any way with any of the following related to the alleged defect in the subject vehicle or peer vehicles:
 - a. Design, engineering, analysis, modification or production (e.g. quality control);
 - b. Testing, assessment or evaluation;
 - c. Consideration, or recognition of potential or actual defects, reporting, record-keeping and information management, (e.g., complaints, field reports, warranty information, part sales), analysis, claims, or lawsuits; or
 - d. Communication to, from or intended for zone representatives, fleets, dealers, or other field locations, including but not limited to people who have the capacity to obtain information from dealers.

- **Alleged Defect:** the improper classification (or reclassification) of an adult passenger occupant which would thereby suppress the passenger frontal air bag moments prior to a frontal crash event that otherwise requires deployment of the air bag (i.e., resulting in an ABSD event).

- **Document:** “Document(s)” is used in the broadest sense of the word and shall mean all original written, printed, typed, recorded, or graphic matter whatsoever, however produced or reproduced, of every kind, nature, and description, and all non-identical copies of both sides thereof, including, but not limited to, papers, letters, memoranda, correspondence, communications, electronic mail (e-mail) messages (existing in hard copy and/or in electronic storage), faxes, mailgrams, telegrams, cables, telex messages, notes, annotations, working papers, drafts, minutes, records, audio and video recordings, data, databases, other information bases, summaries, charts, tables, graphics, other visual displays, photographs, statements, interviews, opinions, reports, newspaper articles, studies, analyses, evaluations, interpretations, contracts, agreements, jottings, agendas, bulletins, notices, announcements, instructions, blueprints, drawings, as-builts, changes, manuals, publications, work schedules, journals, statistical data, desk, portable and computer calendars, appointment books, diaries, travel reports, lists, tabulations, computer printouts, data processing program libraries, data processing inputs and outputs, microfilms, microfiches, statements for services, resolutions, financial statements, governmental records, business records, personnel records, work orders, pleadings, discovery in any form, affidavits, motions, responses to discovery, all transcripts, administrative filings and all mechanical, magnetic, photographic and electronic records or recordings of any kind, including any storage media associated with computers,

including, but not limited to, information on hard drives, floppy disks, backup tapes, and zip drives, electronic communications, including but not limited to, the Internet and shall include any drafts or revisions pertaining to any of the foregoing, all other things similar to any of the foregoing, however denominated by GM, any other data compilations from which information can be obtained, translated if necessary, into a usable form and any other documents. For purposes of this request, any document, which contains any note, comment, addition, deletion, insertion, annotation, or otherwise comprises a non-identical copy of another document, shall be treated as a separate document subject to production. In all cases where original and any non-identical copies are not available, "document(s)" also means any identical copies of the original and all non-identical copies thereof. Any document, record, graph, chart, film or photograph originally produced in color must be provided in color. Furnish all documents whether verified by GM or not. If a document is not in the English language, provide both the original document and an English translation of the document.

- **Other Terms:** To the extent that they are used in these information requests, the terms "claim," "consumer complaint," "dealer field report," "field report," "fire," "fleet," "good will," "make," "model," "model year," "notice," "property damage," "property damage claim," "rollover," "type," "warranty," "warranty adjustment," and "warranty claim," whether used in singular or in plural form, have the same meaning as found in 49 CFR 579.4.

In order for my staff to evaluate the merits of the defect petition, certain information is required. Pursuant to 49 U.S.C. § 30166, please provide numbered responses to the following information requests. Insofar as GM has previously provided a document to ODI, GM may produce it again or identify the document, the document submission to ODI in which it was included, and the precise location in that submission where the document is located. When documents are produced, the documents shall be produced in an identified, organized manner that corresponds with the organization of this information request letter (including all individual requests and subparts). When documents are produced and the documents would not, standing alone, be self-explanatory, the production of documents shall be supplemented and accompanied by explanation.

Please repeat the applicable request verbatim above each response. After GM's response to each request, identify the source of the information and indicate the last date the information was gathered.

1. **State within the body of the response letter in a summary table format**, by make, model, and model year, the number of subject vehicles and peer vehicles GM has manufactured for sale or lease in the United States. Separately, for each subject and peer vehicle manufactured to date by GM, state the following:
 - a. Vehicle identification number (VIN);
 - b. Make;
 - c. Model;
 - d. Model Year;
 - e. Date of manufacture (in "yyyy/mm/dd" date format);

- f. Date warranty coverage commenced (in “yyyy/mm/dd” date format);
- g. The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease); and
- h. PODS-B OCS logic algorithm versions (and revision level if applicable); and
- i. PODS-B OCS supplier.

Provide the detailed information in Microsoft Access 2010, or a compatible format, entitled “Q1_PRODDATA.accdb.” Multiple model vehicle data can be provided in separate tables within a single database file providing that the overall file size does not exceed 1GB.

2. **State within the body of the response letter in summary table format, the number of each of the following reports**, received by GM, or of which GM is otherwise aware, which relate to, or may relate to, the alleged defect (ABSD) in the subject and peer vehicles:
 - a. Consumer complaints, including those from fleet operators;
 - b. Field reports, including dealer field reports;
 - c. Reports involving a fire, crash, injury, or fatality, based on claims against the manufacturer involving a death or injury, notices received by the manufacturer alleging or proving that a death or injury was caused by a possible defect in a subject vehicle, property damage claims, consumer complaints, or field reports;
 - d. Property damage claims; and
 - e. Third-party arbitration proceedings where GM is or was a party to the arbitration; and
 - f. Lawsuits, both pending and closed, in which GM is or was a defendant or codefendant.

For subparts “a” through “f” **provide within the body of the response letter a summary table** containing the total number of each item (e.g., a. consumer complaints, b. field reports, etc.) separately. Multiple incidents involving the same vehicle are to be counted separately. Multiple reports of the same incident are also to be counted separately (i.e., a consumer complaint and a field report involving the same incident in which a crash occurred are to be counted as a crash report, a field report and a consumer complaint).

In addition, for items “c” through “f,” provide a summary description of the alleged problem and causal and contributing factors and GM’s assessment of the problem, with a summary of the significant underlying facts and evidence. For items “e” and “f” identify the parties to the action, as well as the caption, court, docket number, and date on which the complaint or other document initiating the action was filed.

3. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 2, state the following information:
 - a. GM’s file number or other identifier used;
 - b. The category of the item, as identified in Request No. 2 (i.e., a. consumer complaint, b. field report, f. lawsuits etc.);
 - c. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
 - d. Vehicle’s VIN;
 - e. Vehicle’s make, model and model year;
 - f. Vehicle’s mileage at time of incident;
 - g. Incident date (in “yyyy/mm/dd” date format);

- h. Report or claim date (in “yyyy/mm/dd” date format);
- i. Whether the vehicle driver was wearing a seat belt;
- j. Driver frontal air bag deployed?
- k. Age of right front passenger;
- l. Weight of right front passenger;
- m. Whether the right front passenger was wearing a seat belt;
- n. Passenger frontal air bag deployed?
- o. Whether an air bag system diagnostic trouble code (DTC) was retrieved from the vehicle;
- p. Whether the passenger air bag was determined to be suppressed by the OCS;
- q. Whether any electronic data was retrieved from the PODS-B system;
- r. Whether property damage is alleged;
- s. Number of alleged injuries, if any; and
- t. Number of alleged fatalities, if any.

Provide this information in Microsoft Access 2010 or a compatible format, entitled “Q3_ORDATA.accdb.” Multiple model vehicle data can be provided in separate tables within a single database file providing that the overall file size does not exceed 1GB.

- 4. Produce copies of all documents related to each item within the scope of Request No. 2. Provide copies of all electronic data and any associated reports collected from the air bag control module (i.e., event data recorder/EDR data), the PODS-B control module, any other electronic control module, and or any other onboard data storage device. Organize the documents separately by category (i.e., a. consumer complaints, b. field reports, f. lawsuits etc.) and describe the method GM used for organizing the documents.
- 5. Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, “actions”) that relate to, or may relate to, the alleged defect in the subject vehicles, or to the incident described in ODI 10568388, that have been conducted, are being conducted, are planned, or are being planned by, or for, GM. provide the following information:
 - a. Action title or identifier;
 - b. The actual or planned start date;
 - c. The actual or expected end date;
 - d. Brief summary of the subject and objective of the action;
 - e. Engineering group(s)/supplier(s) responsible for designing and for conducting the action; and
 - f. A brief summary of the findings and/or conclusions resulting from the action.

For each action identified, provide copies of all documents related to the action, regardless of whether the documents are in interim, draft, or final form. Organize the documents chronologically by action.

- 6. Describe within the body of the response letter, all modifications or changes made by, or on behalf of, GM in the design (including logic/software changes), material composition, manufacture, quality control, supply, or installation of the subject component, from the start of production to date, which relate to, or may relate to, the alleged defect in the subject

vehicles. Provide a summary table outlining the changes as described above. For each such modification or change, provide the following information:

- a. The date or approximate date on which the modification or change was incorporated into vehicle production;
- b. A detailed description of the modification or change and its effect (if any) on the alleged defect condition;
- c. The reason(s) for the modification or change;
- d. The part number(s) (service and engineering) of the original component;
- e. The part number(s) (service and engineering) of the modified component;
- f. Whether the original unmodified component was withdrawn from production and/or sale, and if so, when;
- g. When the modified component was made available as a service component; and
- h. Whether the modified component can be interchanged with earlier production components.

Also, provide the above information for any modification or change that GM is aware of which may be incorporated into vehicle production within the next 120 days.

7. Furnish GM's assessment of the alleged defect in the subject vehicles, including:
 - a. The causal or contributory factor(s);
 - b. The failure mechanism(s);
 - c. The failure mode(s);
 - d. The risk to motor vehicle safety that it poses;
 - e. What warnings (both visually and audibly), if any, the operator would have that the alleged defect was occurring or subject component was malfunctioning; and
 - f. The included report and its related incident.

Legal Authority for This Request

This letter is being sent to GM pursuant to 49 U.S.C. § 30166, which authorizes NHTSA to conduct any investigation that may be necessary to enforce Chapter 301 of Title 49 and to request reports and the production of things. It constitutes a new request for information.

Civil Penalties

GM's failure to respond promptly and fully to this letter could subject GM to civil penalties pursuant to 49 U.S.C. § 30165 or lead to an action for injunctive relief pursuant to 49 U.S.C. § 30163. (Other remedies and sanctions are available as well.) The Vehicle Safety Act, as amended, 49 U.S.C. § 30165(a)(3), provides for civil penalties of up to \$7,000 per violation per day, with a maximum of \$35,000,000 for a related series of daily violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. This includes failing to respond completely, accurately, and in a timely manner to ODI information requests. The maximum civil penalty of \$7,000 per violation per day is established by 49 CFR 578.6(a)(3). The maximum civil penalty of \$35,000,000 for a related series of daily violations of 49 U.S.C. § 30166 is

authorized by 49 U.S.C. § 30165(a)(3) as amended by § 31203(a)(1)(B) of the Moving Ahead for Progress in the 21st Century Act, Public Law 112-141.

If GM cannot respond to any specific request or subpart(s) thereof, please state the reason why it is unable to do so. If on the basis of attorney-client, attorney work product, or other privilege, GM does not submit one or more requested documents or items of information in response to this information request, GM must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, the name and position of the person(s) from, and the person(s) to whom it was sent, and the name and position of any other recipient (to include all carbon copies or blind carbon copies), the nature of that information or material, and the basis for the claim of privilege and why that privilege applies.

Confidential Business Information

All business confidential information must be submitted directly to the Office of Chief Counsel as described in the following paragraph and should not be sent to this office. In addition, do not submit any business confidential information in the body of the letter submitted to this office. Please refer to RQ14-002 in GM's response to this letter and in any confidentiality request submitted to the Office of Chief Counsel.

If GM claims that any of the information or documents provided in response to this information request constitute confidential commercial material within the meaning of 5 U.S.C. § 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, GM must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512, as amended, to the Office of Chief Counsel (NCC-111), National Highway Traffic Safety Administration, Room W41-227, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590. GM is required to **submit two copies of the documents containing allegedly confidential information (except only one copy of blueprints) and one copy of the documents from which information claimed to be confidential has been deleted.** Please remember that the phrase "ENTIRE PAGE CONFIDENTIAL BUSINESS INFORMATION" or "CONTAINS CONFIDENTIAL BUSINESS INFORMATION" (as appropriate) must appear at the top of each page containing information claimed to be confidential, and the information must be clearly identified in accordance with 49 CFR 512.6. If you submit a request for confidentiality for all or part of your response to this IR, that is in an electronic format (e.g., CD-ROM), your request and associated submission must conform to the new requirements in NHTSA's Confidential Business Information Rule regarding submissions in electronic formats. *See* 49 CFR 512.6(c) (as amended by 72 Fed. Reg. 59434 (October 19, 2007)).

If you have any questions regarding submission of a request for confidential treatment, contact Otto Matheke, Senior Attorney, Office of Chief Counsel at otto.matheke@dot.gov or (202) 366-5253.

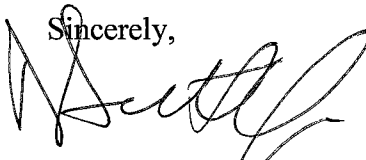
Due Date

GM's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by October 3, 2014. GM's response must include all non-confidential attachments and a redacted version of all documents that contain confidential information. If GM finds that it is unable to provide all of the information requested within the time allotted, GM must request an extension from Scott Yon at (202) 366-0139 no later than five business days before the response due date. If GM is unable to provide all of the information requested by the original deadline, it must submit a partial response by the original deadline with whatever information GM then has available, even if an extension has been granted.

Please send email notification to Peter Ong at peter.ong@dot.gov and to ODI_IRresponse@dot.gov when GM sends its response to this office and indicate whether there is confidential information as part of GM's response.

If you have any technical questions concerning this matter, please call Peter Ong of my staff at (202) 366-0583.

Sincerely,



8/26/14

D. Scott Yon, Chief
Vehicle Integrity Division
Office of Defects Investigation