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

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

NOV 24 1997

Mr. Michael Kido
Center for Auto Safety
2001 S Street, NW, Suite 410
Washington, DC 20009-1160

NSA-10bnj

Dear Mr. Kido:

This is in response to your letter dated October 23, 1997, requesting, under the Freedom of Information Act, information on the Office of Defects Investigation policy used to screen reported vehicle defects or problems. We are enclosing the documents entitled "Office Procedures for Conducting Defect Investigations" dated November 1991, and "Defect Petition Processing Procedures," dated November 1993. These documents are currently being updated. We are also preparing a document that describes the office procedures for defect screening. The updated document describing the procedures for conducting defect investigations should be finalized by the end of the year. The other two documents are in earlier stages of preparation and will take longer to finalize.

Sincerely,

Kathleen C. DeMeter, Director
Office of Defects Investigation
Safety Assurance

2 Enclosures:
Office Procedures for Conducting the
Defect Investigation
Defect Petition Processing Procedures

OFFICE PROCEDURES FOR CONDUCTING DEFECT INVESTIGATIONS

November 1991

Office of Defects Investigation
National Highway Traffic Safety Administration

TABLE OF CONTENTS

I. INTRODUCTION

The purpose of the ODI defect investigative process is to develop the information necessary to carry out the defect correction requirements of the National Traffic and Motor Vehicle Safety Act of 1966 as amended (the Act). By using the investigative process described in this document, defects that present an unreasonable risk to motor vehicle safety can be identified. The process encompasses all aspects of investigative activity, including collecting, analyzing, and evaluating information necessary to determine whether a safety-related defect exists in a motor vehicle or item of equipment.

The process is normally conducted in three phases.

Phase I. Preliminary Evaluation (PE):

The primary purpose of the PE phase is to screen problems quickly that are alleged to be associated with safety-related defects. This screening is intended to discriminate between problems which are isolated in nature, do not represent a safety-related defect, or do not indicate an emerging defect trend, and problems which could be safety-related defects.

Phase II. Engineering Analysis (EA):

The goal of the EA is to determine the character and scope of the problem and to collect enough information to influence the manufacturer to conduct a voluntary recall where appropriate. The EA builds on information collected during the PE and supplements it with inspections, tests, surveys, and additional information from the manufacturer and/or suppliers. At this intermediate stage it is decided whether further effort is required. If so, apparent failure modes are identified and plans for additional work devised. An EA is normally opened as the result of PE action or a petition, but it can also be initiated without going through these preliminary stages if there are other strong indications that a safety-related defect exists.

Phase III. Formal Investigation (Case):

Upon completing the EA phase, if the information gathered indicates a recall is advisable, the manufacturer is requested in writing to conduct a voluntary recall. If no recall occurs, and the information continues to support a recall, the matter is presented to a Defect Review Panel with a recommendation that a Case be opened.

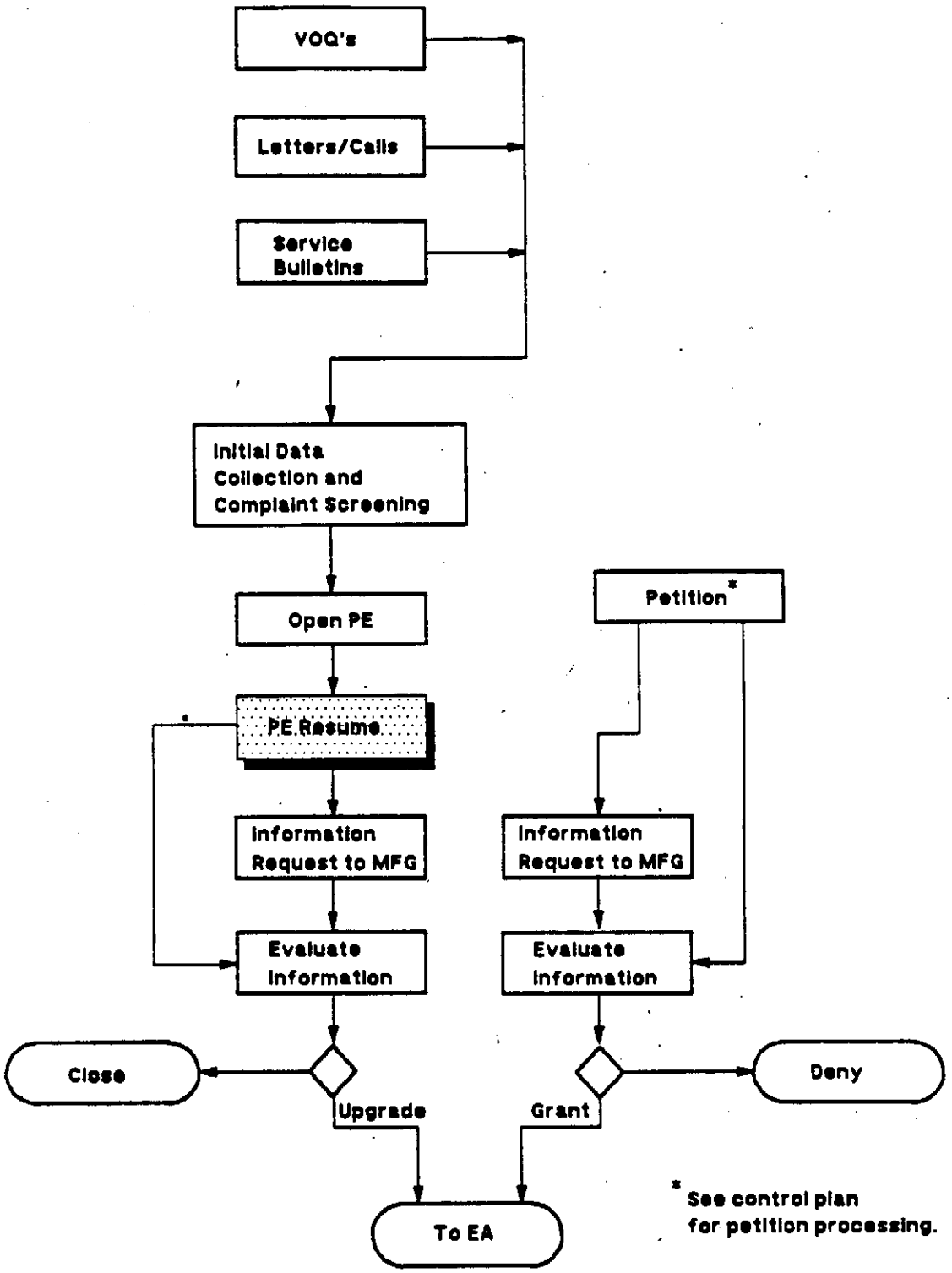
Investigative work during this Case phase involves gathering enough information to support a decision to either close the Case or to make an Initial Defect Determination. The work should be sufficiently thorough to support subsequent litigation. If the Case results in a Final Determination of a safety-related defect, the manufacturer is ordered to conduct a recall in accordance with 15 U.S.C. §§553-555 and agency regulations.

This document describes the methods used by ODI for conducting investigations. In following these procedures, staff members must recognize their primary responsibility to manage investigations and to maintain complete files at all times. Investigatory information must be gathered and documented so that, if necessary, it may be used in subsequent litigation with the manufacturer. It is the engineer's or investigator's responsibility to see that the investigation is performed in a timely manner and that all of the pertinent issues are investigated and analyzed.

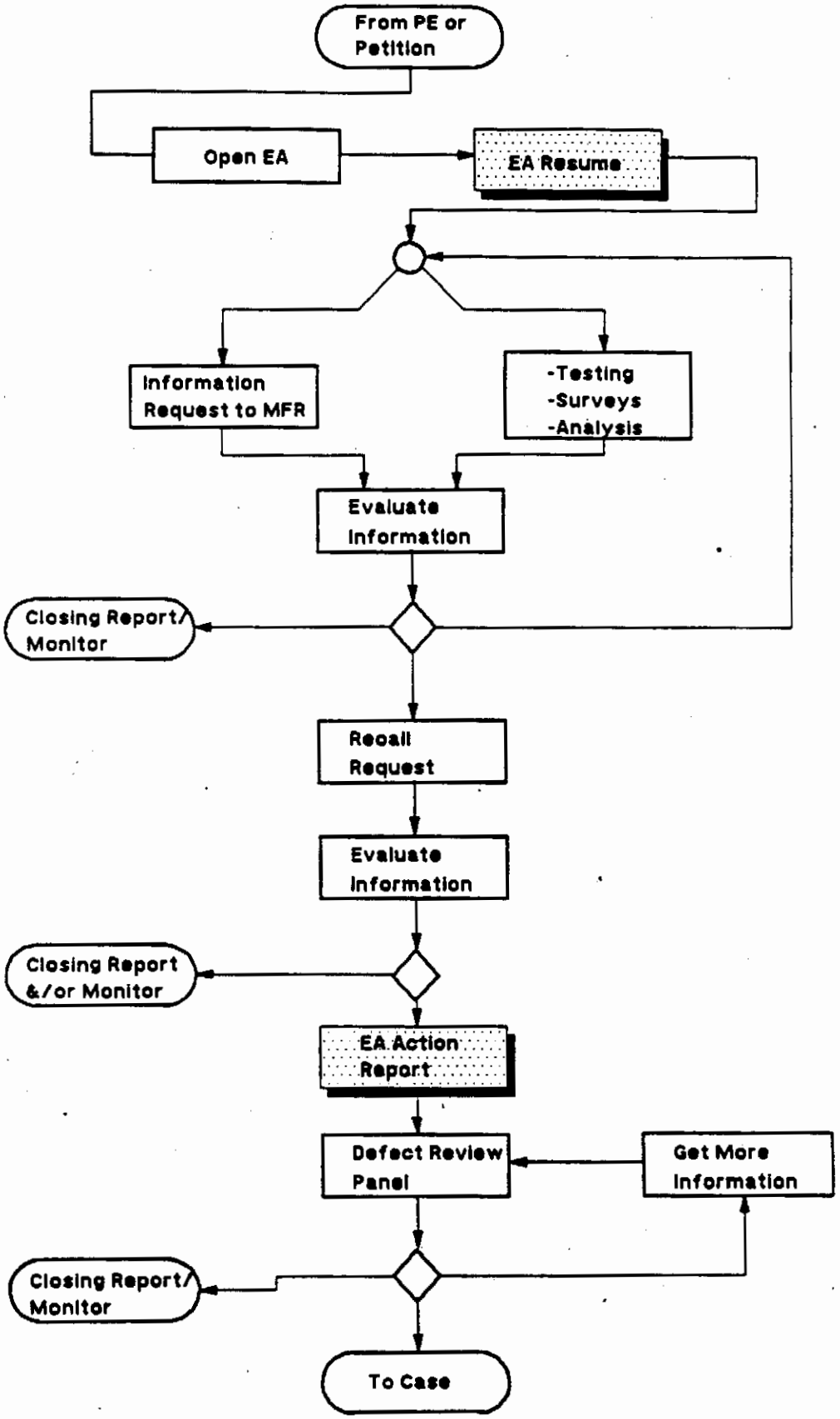
These procedures and controls provide a set of "standard office practices" which are generally to be followed by ODI staff engineers and investigators. Modifications may be allowed when circumstances warrant different procedures, provided that they are consistent with the Safety Act and with agency regulations and orders. Investigators are encouraged to be innovative in their approach to investigations by omitting procedures that are not applicable or by introducing new steps and procedures, both after discussion with supervisors. Investigators are expected to use initiative, imagination, and aggressiveness in fulfilling their responsibilities in completing the investigation within the shortest possible time frame.

Assignment of an investigator to an investigation is made by the appropriate Branch Chief within the Defect Evaluation Division (DED), in consultation with the Division Chief and the Office Director, as appropriate. Factors taken into account include technical and professional background, previous experience with similar investigations, workload, and "expertise group" assignments. Several "expertise groups" have been established within ODI to screen various reported problems, and to assist or support ongoing investigations. Each group consists of two (2) to four (4) investigators who have experience with, and a common interest in, a particular vehicle system. Using peer group analysis, combined with past experience, these groups should be able to assess the merits of both newly discovered problems and ongoing investigations. Existing "expertise groups" cover such vehicle systems as brakes, steering, suspensions, wheels/tires, restraints, fuel, and electrical.

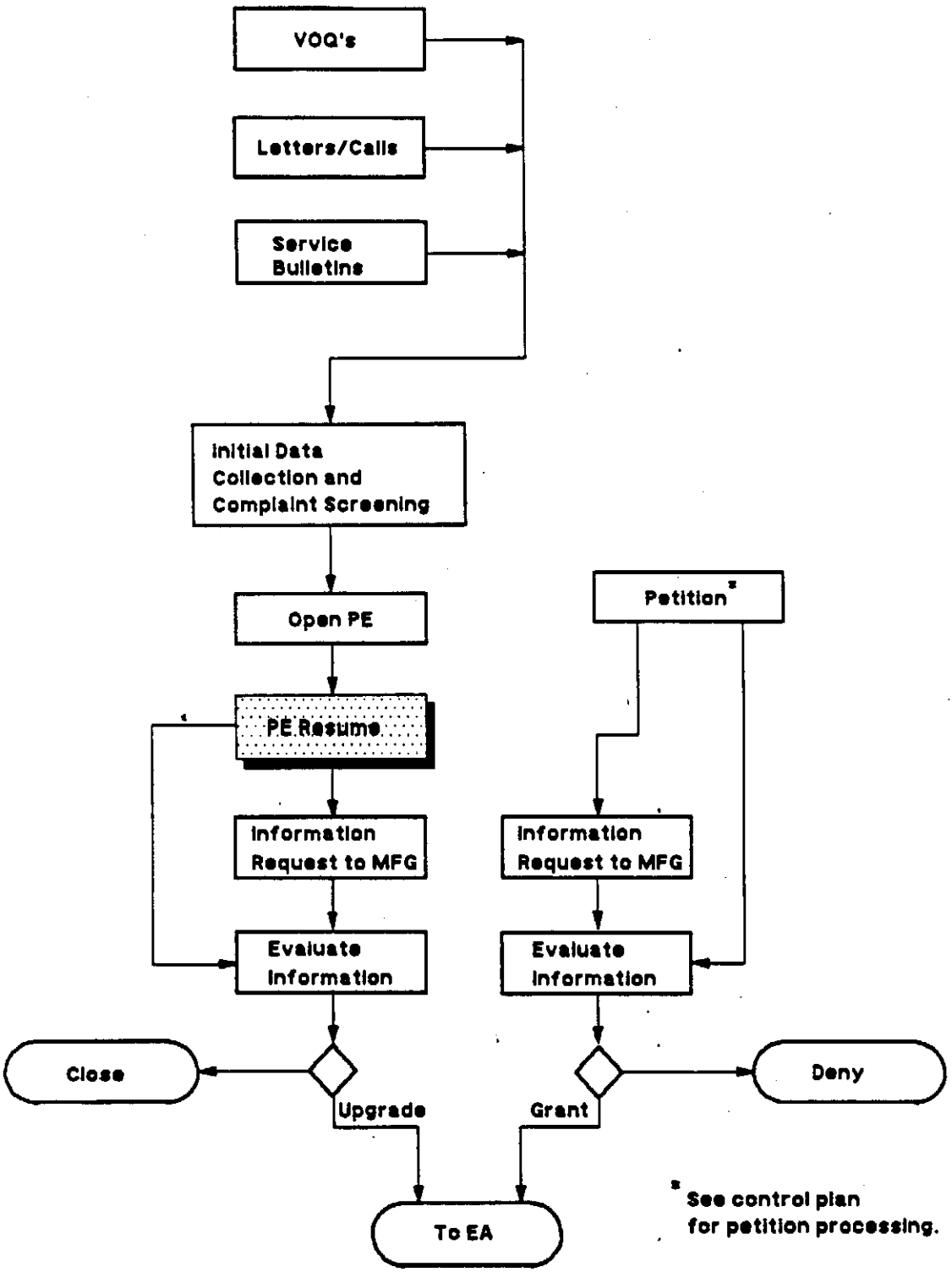
Charts A, B, and C outline the key elements of the investigative process and illustrate the major documents produced during investigations. A recall can occur at any point during this process.



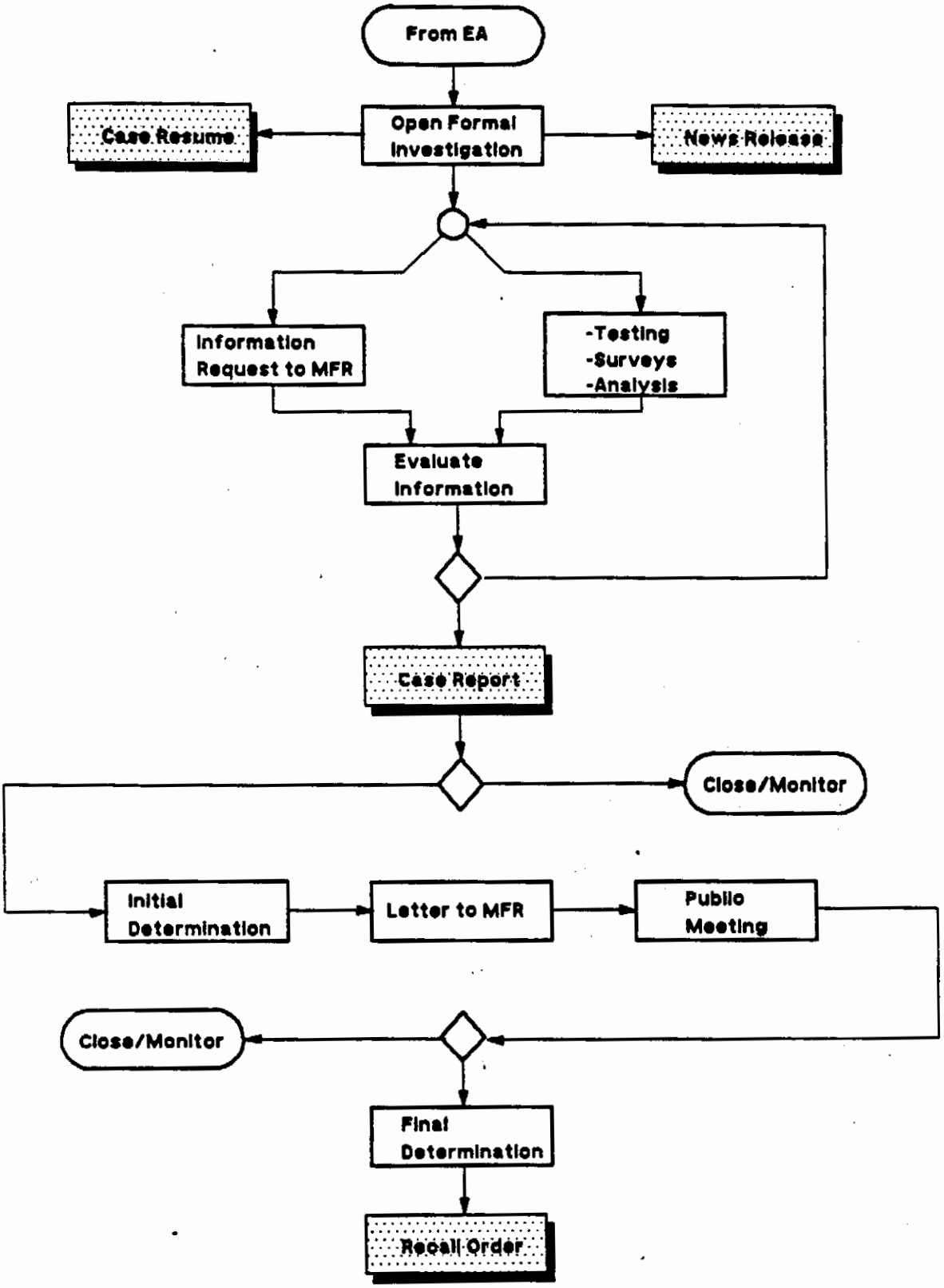
A. Investigative Process--Work Flow (PE/Petition)



B. Investigative Process--Work Flow (EA)



A. Investigative Process--Work Flow (PE/Petition)



C. Investigative Process Work Flow (Case to Final Determination)

II. PROCEDURES

This section describes the procedures to be used in conducting each phase of the investigative process.

A. INITIAL DATA COLLECTION

The investigative process starts with the compilation of consumer complaint reports and other information concerning potential safety problems. The main source of this information is the Vehicle Owner's Questionnaire (VOQ)[1], which is distributed in response to calls to the agency's Auto Safety Hotline or other contacts, and which is completed and returned to the agency for processing. In addition to the VOQ reports, ODI receives Congressional correspondence; letters and phone calls directly from the public or consumer groups; and information from state and local governments, other Federal Agencies, the Canadian Ministry of Transport and from fleets. This information is regularly reviewed so that potential safety-related defects can be quickly identified and existing investigations updated.

Additional sources of information routinely reviewed are manufacturers' Technical Service Bulletins (TSB). The TSB is a means of formal communication from the manufacturer to its dealers. Each manufacturer is required by 49 CFR Part 573.8 to furnish NHTSA monthly with a copy of all notices, bulletins, and other communications sent to dealers (and others) regarding any defect in the manufacturer's vehicles or items of equipment, regardless of whether such defects are considered safety-related. These documents are reviewed and those that appear to indicate a potential safety-related defect are considered for further action by the agency.

After all available information on an alleged problem has been gathered and analyzed by the Technical Analysis Branch of the Defect Identification Division, the issue is presented to ODI management and those matters which appear to have the most significance are chosen for further attention. When action is appropriate, a PE is opened.

On the basis of the staff's experience and engineering judgment, and in light of judicial decisions, ODI may choose not to expend limited resources to investigate certain kinds of reported problems. These are matters that may be aggravating to owners but usually have minimal safety-related implications. Some examples include:

1. Routine engine or transmission malfunctions which provide ample warning of failure through noise, vibration, fluid leakage, etc.;

[1] HS Form 350.

2. Nonstructural body panel rust; and

3. Routine maintenance-related problems, such as tire wear, vibration, premature brake pad wear, disc brake rotor warpage, etc.

However, depending upon the circumstances, any failure or malfunction which might represent an unreasonable risk to motor vehicle safety is subject to investigation.

B. PRELIMINARY EVALUATION (PE)

The PE is usually the first public step taken by ODI in reaction to information concerning a potential defect. A PE may be opened when the possibility exists that a defect in design, material, manufacturing, or performance may pose an unreasonable risk to motor vehicle safety.
Particularly at this early stage, a low number of consumer complaints may be suffient to justify opening a PE, especially when the consequences of the potential defect are considered. Normally, some combination of two essential ingredients, frequency and severity, is needed to initiate investigative action, although in some cases, a PE will be opened at an early stage when information about frequency and severity is still quite limited.

Specifically, a PE may be opened when any of the following occurs:

1. A number of complaints of the same problem (especially on a late model vehicle) are received within a short period of time.

2. A single report is received indicating severe safety consequences with a possibility that other similar failures will occur; for example, an instrument panel that shatters when struck by an occupant's head.

3. The number of complaints currently being received about a general problem, and the number already existing in the data base, are judged to warrant further inquiry. For example, "my brakes failed" or "my headlights went out."

4. A few complaints of a unique or specific nature are received. For example, "the left front brake hose rubbed on a bracket causing all the brake fluid to leak out" or "my headlights failed because relay XYZ burned-out."

5. Reports are received from the Canadian Ministry of Transport concerning a problem that is likely to show up in the United States at some later time. For example, a corrosion problem discovered in the Maritime Provinces, where severe weather conditions exist, might well develop later in the Northeastern and Middle Western United States.

6. The review of a TSB reveals a problem which appears to have safety-related implications.

7. A fleet reports an identical problem in more than one vehicle.

When a PE is opened, a PE Resume (Attachment A) is prepared by the engineer or investigator. The PE usually involves a letter to the manufacturer (Attachment B) containing a brief description of the basis for the PE and a request for information concerning vehicle population, complaints, accidents, injuries, fatalities, and lawsuits received by the manufacturer. Additional questions may be asked concerning technical service bulletins, warranty data, production changes, and other information when appropriate. Questions are usually held to the minimum necessary to decide whether to upgrade to an EA. Copies of relevant consumer complaints received by ODI are also enclosed for review by the manufacturer.

DED notifies the manufacturer by phone that a PE has been opened and that an information request is being prepared. Based on the analysis of the manufacturer's response, and all other available information, the PE may then be: (1) closed, (2) continued in order to seek clarification of information in the first response, or (3) upgraded to an EA.

Ordinarily, the maximum duration of a PE should be four (4) months. During the PE process, if the manufacturer conducts a voluntary recall which is consistent with the vehicle population and the problem identified, the PE is closed. If a recall does not occur or questions remain, the PE Resume is updated in preparation for opening an EA. If all items in the letter from the manufacturer are answered, no questions remain, and no safety defect trend appears to exist, the PE resume is updated to reflect the latest information and the PE is closed.

When in the opinion of the engineer and Branch Head, the decision to upgrade or close a PE is clear-cut, the ODI resume is prepared stating the reasons for the proposed action and sent forward for signature approval. If, however, the decision to upgrade or close is debatable, a briefing for management is prepared. After the subject has been thoroughly examined at the briefing, the course of action is determined by the Office Director.

C. ENGINEERING ANALYSIS (EA)

When a PE suggests the possibility of a defect and the manufacturer does not initiate a recall, or if more information is needed to decide whether to make a determination of a defect, an EA is opened. An EA may be opened without conducting a PE if available information strongly suggests the existence of a possible safety-related defect. An EA is also opened when a petition for a safety defect investigation is granted.

When an EA is opened, some or all of the following actions may be taken:

1. An EA Resume (Attachment A) is prepared by the engineer or investigator. DED notifies the manufacturer by phone that the investigation has been raised to the EA level and that an additional information request may be forthcoming.

2. Owners who have reported the problem to ODI may be contacted to better identify the scope and nature of the matter under study. Contractors, VRTC, or staff personnel may be used for these owner interviews or for special surveys involving the subject vehicles, as appropriate.

3. An EA information request (Attachment C), with copies of additional consumer complaints, is sent to the manufacturer. This request may ask for clarification of previous responses; updated information regarding consumer complaints, lawsuits, and sales figures; warranty experience; material changes; component modification history; manufacturer's test results; and other detailed, technical questions pertaining to the alleged problem and its causes. The manufacturer's assessment of the problem is usually requested at this time.

4. The ODI databases are re-checked for additional consumer complaints; manufacturer bulletins; previous pertinent ODI investigative files including PE's, EA's, petitions, and Cases; and pertinent recalls (both for the subject vehicle manufacturer and peer vehicle manufacturers).

5. Accident data (FARS, CARDfile, etc.) may be requested from NHTSA's National Center for Statistics and Analysis (NCSA), and a literature search may be requested from NHTSA's Technical Reference Division (TRD).

6. A test program or survey may be conducted to simulate the failure, identify the defect, and/or determine the safety-related consequences. Many sources are available for tests and surveys. Normally, these activities are performed at NHTSA's Vehicle Research and Test Center (VRTC) in Ohio. There are many advantages in directing test and survey programs to this facility. These include the time savings in initiating the project, the simplicity of paper work, and the ease with which programs can be redirected as additional experience is gained (i.e., no contract modifications are necessary). When the testing is not performed at ETF, and if a basic ordering agreement (BOA) contract with test laboratories exists, it is used if possible. Otherwise, a contractor will be selected using general contracting procedures. For testing to be conducted at VRTC, a memorandum requesting and describing the survey or testing is written. For testing to be conducted at contracted laboratories, a procurement request is prepared. Test procedures and results are not released to the public until the investigation is closed.

7. If the alleged problem involves the design or manufacture of a specific component or assembly, information requests may be sent to the supplier(s) of the part(s). Similarly, information requests may be sent to other vehicle manufacturers who use the allegedly defective component(s) on their products.

After the information gathering phase is completed, the information is analyzed to determine the extent and severity of the alleged problem. The engineer or investigator may consider such factors as:

- Failure history and projections, based on parts sales, mileage, time-to-failure, and vehicle population.

- Safety-related implications, including cause of failure, failure modes, risk (in terms of frequency and severity), and warning of failure (if any).

- The engineering relationship or correlation between design, material, or manufacturing changes and the failure history.

- The effect of vehicle characteristics (including engine type, transmission type, air conditioning, power steering, cruise control, power brakes, body style, etc.) and manufacturing information such as assembly plant and VIN sequence.

- Possible contributing and causal factors, such as environmental conditions including road surface treatment (salt), temperature, altitude, geographical location, vehicle maintenance, vehicle usage, etc.

- The role of "Human Factors" and driver/vehicle interaction. For example, the physical characteristics of the driver (height, weight, strength, etc.) and other non-vehicle factors such as alcohol use which may contribute to some vehicle accidents.

- How drivers perceive and report problems. For example, a loss of front tire traction may be reported as "the steering locked."

- Comparison with peer groups. How does this problem compare with related problems on contemporary peer group vehicles and/or components, with previous ODI investigations, and with problems that led to voluntary recalls by other manufacturers?

- Type of failure. Is it a purely performance-related matter or have failed parts been discovered? Can the vehicle population and the suspect component be defined? Do objective performance standards exist? Does testing show a substandard system performance when compared to peer groups?

After the information has been analyzed, the engineer or investigator should have enough insight into the problem to allow an evaluation of the safety consequences and to recommend further action. Ordinarily, the maximum duration of an EA should be 12 months.

If the results of the investigation indicate that it should be closed with no further action, an Engineering Analysis Closing Report (following the form and content of Attachment D), a transmittal memo (Attachment E), and a closing resume (Attachment A) are prepared. The report and the resume become public documents and ordinarily contain no judgments, opinions, or recommendations other than those necessary to support the reason for closing. The transmittal memorandum (which ordinarily is classified as Official) summarizes the contents of the report and may state the investigator's judgments, opinions, and recommendations.

The conclusions in the report should include statements as to the cause, scope, and risk to motor vehicle safety of the alleged defect. The conclusions must be consistent and logical with respect to the observations and facts from which they are drawn. The recommendations in the transmittal memo should be consistent with and drawn from the conclusions stated in the Report.

If, during the investigation, a manufacturer initiates a voluntary recall which is consistent with the vehicle population and the problem identified, the EA may be closed with a closing resume (Attachment A) that discusses the important facts concerning the recall. No final EA Closing Report is required. However, the resume must contain a statement as to whether or not an EA Closing Report has been written and placed in the public file. If a case is opened, an EA Upgrade Resume is also required.

If the results of the investigation indicate that it should be upgraded to a Case, a Recall Request Letter (Attachment G) is prepared and an Engineering Analysis Action Report (Attachment F) is drafted. This letter states the reasons why ODI believes that there may be a safety-related defect and informally requests the manufacturer to conduct a voluntary recall campaign. The manufacturer is provided an opportunity to submit any additional pertinent information if it decides not to conduct a recall. After careful study of the manufacturer's response to the recall request, a decision is made on whether to present the matter to the Defect Review Panel.

D. DEFECT REVIEW PANEL

The Defect Review Panel is composed of representatives from the offices of the Administrator, Chief Counsel (NCC), and ODI. Representatives from Public and Consumer Affairs also attend for informational purposes. Prior to the meeting, a draft copy of the Engineering Analysis Action Report (Attachment F) is provided to each of the panel members. The engineer or investigator prepares and conducts a briefing for the

Defect Review Panel, which must include a clear presentation of all relevant facts. This may include:

1. A detailed description of the problem, including a description of the alleged defect, its causes, symptoms, warnings, and consequences.

2. A comprehensive description of the component involved, including its function, where it is located, and its relationship to the alleged defect.

3. Actual components, sketches, photographs, models, etc., to illustrate the alleged defect.

4. Peer group analyses comparing failure or complaint rates of the subject vehicles with other vehicle groups, based on make, model, model year, and other considerations (component or system design, vendor, manufacturing dates, etc.).

5. The history of failure reports by date of incident and by source (ODI, manufacturer, consumer groups, etc.) and expectations with respect to future failures or trends.

6. Vehicle population versus parts sales or warranty claims (where appropriate).

7. Test results.

8. Design or manufacturing changes including a description of the effect of the change on the failure rate and (if available) on test performance.

9. Service bulletins and other manufacturer/dealer communications.

10. Manufacturer's analysis of the risk to motor vehicle safety of the alleged defect as stated in response to an ODI information request letter.

11. ODI's opinion of the risk to motor vehicle safety.

12. Possible corrective actions.

13. Past investigations of similar alleged defects and their success or failure.

14. Previous pertinent safety recall campaigns by this manufacturer and others.

15. Statement of the manufacturer's reasons for not conducting a voluntary recall in response to the Recall Request Letter, and ODI's analysis of and response to the manufacturer's reasons.

Following the briefing, the Panel decides whether the matter should be the subject of a formal Defect Investigation, continued as an EA for additional analysis, or closed. If the Panel agrees that the matter merits a formal investigation, preparations are made to open a Case.

E. FORMAL DEFECT INVESTIGATION (Case)

When the continuing study of the problem during the EA phase fails to produce a voluntary recall by the manufacturer, and the Defects Review Panel concludes that the matter merits additional effort, it is elevated to the status of a Formal Defect Investigation.

Formal Defect Investigations expand on the information gathered during the PE and EA phases and ordinarily should be completed within one year. However, when additional test programs are involved or when the investigative information is not conclusive, it may be necessary to extend this time period. The formal defect investigation process may lead to a voluntary recall, an Initial Determination of safety defect, or the termination of the investigation without corrective action.

During the investigation the following actions are taken, as appropriate:

1. At the outset, a meeting is held between ODI and NCC to identify those items of investigatory information which need to be gathered or strengthened in order to complete the case in both a timely and efficient manner. A Case Resume is prepared, following the format shown in Attachment H. The investigator also prepares a plan of action for the conduct of the investigation. This is discussed at the meeting with NCC. The plan includes consideration of all steps believed necessary to yield relevant information. It may be appropriate to modify this plan during the course of the investigation. However, major deviations should be discussed with supervisors and NCC.

2. The manufacturer is advised of the opening of a Formal Defect Investigation by phone. A confirming Case Opening letter (Attachment I) is also sent to the manufacturer, enclosing a copy of the Case Resume.

3. A news release announcing the opening of a Formal Defect Investigation is issued by the Office of Public and Consumer Affairs. A draft of this announcement (Attachment J) is prepared by the case engineer or investigator shortly after the Panel Meeting and transmitted to the Office of Public and Consumer Affairs for editorial revision. The draft is then circulated for clearance within ODI and by NCC before it is published. The announcement may include a copy of the Case Resume and it may be sent to the media, consumer interest groups, and others, advising them of the alleged defect and soliciting additional information.

4. Monthly Case Briefs are prepared, following the format shown in Attachment K.

5. An information request, which includes copies of any previously untransmitted consumer reports, is usually sent to the manufacturer. This request may ask for clarification of previous manufacturer responses; updated information regarding consumer complaints, accidents, and lawsuits; sales and warranty figures; the submission of engineering drawings and blueprints; design, production, assembly, or material modification history; and manufacturer test results to supplement those covered during the EA process. Questions also may be posed on issues or areas that were not previously covered during the EA phase.

6. Owner surveys may be conducted covering representative vehicle populations, sometimes consisting of both subject vehicles and peer group vehicles. These may be conducted either by existing contractors or by contractors selected under general contracting procedures, as appropriate. The resulting data analysis may provide an additional measure of the scope and seriousness of the problem.

7. In-depth interviews may be conducted with owners of affected vehicles to obtain additional insight as to modes and consequences of failure. Contacts pertaining to fatal accidents may be made with survivors, relatives, witnesses, or other knowledgeable parties. These interviews and contacts may be made by the engineer, the investigator, or authorized contractors.

8. Existing test programs may be continued and additional test programs may be initiated to further define causal and contributory factors and their possible effect on safety.

9. ODI files are searched for new manufacturer bulletins issued since the EA was completed and the Case opened.

10. Updated accident data may be requested from the agency's National Center for Statistics and Analysis and relevant literature may be requested from TRD.

11. Updated information may be solicited from the Canadian Ministry of Transport.

After the above actions have been completed, the data concerning the existence, nature, extent and severity of the alleged defect must be analyzed. The investigator considers the following, as appropriate:

- Public contributions. Does the file contain significant consumer contributions that help establish the scope and severity of the problem? What do they show?

- Owner surveys. What insight as to the scope and gravity of the problem does analysis of the survey results yield?

- Manufacturer information. Did the manufacturer submit information which further refines or augments previously acquired data? What does that information tend to establish?

- Owner interviews. Did the owner interviews provide clarification of the nature and extent of the problem?

- Comparison with similar previous investigations. How does the information concerning this alleged defect compare with that gained in other investigations or recalls?

- Does the accumulated information now indicate the presence of a safety-related defect?

Analysis of available information is an ongoing effort throughout the investigation. At any juncture in the above process, one or more engineering meetings with the manufacturer may be held by ODI for presentation and discussion of material bearing on the subject problem.

All factual information, correspondence, physical exhibits, and other documentation used to reach a decision must be included in the case file, with exception of the engineer's or investigator's working papers and notes. After all data have been analyzed and evaluated, the investigator should have sufficient insight into the problem to be able to recommend one of two courses of action: (1) terminate the investigation or (2) proceed with an Initial Determination of defect.

In the event that the manufacturer conducts a voluntary recall of the subject vehicles and ODI concludes that the parameters of the recall are consistent with the subject vehicle population and the problem identified in the investigation, the case is closed. A short recall memorandum is prepared by the engineer or investigator which enters into the record a copy of the manufacturer's notification and remedy documents, along with ODI's evaluation of the manufacturer's planned remedial campaign. Further investigative action is suspended.

If the manufacturer does not elect to conduct a voluntary recall, the engineer or investigator prepares a briefing and drafts a Case Investigative Report (Attachment L) that details the results of the investigation and makes a recommendation to the Director of ODI and the Associate Administrator for Enforcement for disposition of the Case.

After the draft report has been reviewed and approved by the Branch Chief, the Division Chief, and the Office Director, it is forwarded to NCC with a draft transmittal memo containing the conclusions and recommendations for action. Comments from NCC are

discussed with representatives of that office and ODI, and changes are made to the report, as appropriate, in a timely manner. The Final Transmittal Memo and Final Case Investigative Report are sent from the Office Director to the Associate Administrator.

All decisions with respect to the conclusion of Cases in which the manufacturer has not conducted a voluntary recall must have the concurrence of all relevant levels of ODI management, the Office of Chief Counsel, and the Associate Administrator for Enforcement. If it is decided to close the Case, the Case Investigative Report prepared by the engineer or investigator becomes the Case Closing Report. The engineer or investigator prepares a memorandum for the signature of the Office Director, closing the case, and transmitting the Case Closing Report to the file.

If it is decided to proceed to an Initial Determination, the engineer or investigator presents a briefing to the Associate Administrator for Enforcement. The Associate Administrator for Enforcement decides whether to make the Initial Determination after reviewing the Case Investigative Report and the investigative file, and after consultation with the Office of Chief Counsel. The Case Investigative Report is transmitted by memo from the Director, ODI, to the AA for Enforcement, recommending an Initial Determination.

F. INITIAL DETERMINATION OF A SAFETY DEFECT [2]

The following procedure is to be followed when, after a thorough review of all facts and analyses, and in coordination with the Chief Counsel, the Associate Administrator for Enforcement makes an Initial Determination:

1. The case investigator ensures that the complete investigative file has been indexed, reviewed by NCC pursuant to FOIA and 18 U.S.C. § 1905 and reclassified as appropriate, and that the "Public File" has been assembled and photocopied with sufficient copies for the manufacturer and the public. The investigator drafts a Initial Determination notification letter to the manufacturer and a notice to the Federal Register.

2. The manufacturer is notified of the Initial Determination in a letter, signed by the Associate Administrator for Enforcement, which encloses the Case Investigative Report. The letter provides or states the location of all information upon which the Initial Determination is based. The letter advises the manufacturer of its right to present data, views, and arguments to establish that there is no defect or that the alleged defect does not affect motor vehicle safety. The letter also specifies the time and place of a public meeting for the presentation of arguments and sets a date by

[2] Also see 49 C.F.R. Part 554.

which written comments must be submitted. Submission of all information, whether at a public meeting or in written form, is normally scheduled within 30 working days after the Initial Determination. The deadlines for the submission of information or for the public meeting can be extended at the discretion of the Associate Administrator for Enforcement.

3. The Federal Register notice of Initial Determination, which has been drafted by the Case Investigator, is reviewed and approved by NCC and transmitted by memo from NCC to the Associate Administrator for Enforcement. The Associate Administrator for Enforcement signs the Initial Determination notice which is published in the Federal Register. This public notice:

   a. Identifies the motor vehicle or item of equipment and its manufacturer;

   b. Summarizes the information upon which the Initial Determination is based;

   c. Gives the location of all information available for public examination; and

   d. States the time and place of the public meeting and the deadline for written submissions in which the manufacturer and interested persons may present data, views, and arguments respecting the Initial Determination.

4. The Case Investigator reserves the conference room for the public meeting, drafts the news release, invites consumer witnesses, and obtains failed parts, displays and photos that highlight the safety defect. He also briefs the AA prior to the public meeting concerning written submissions by participants and any NHTSA planned statements or presentations.

5. The public meeting is an informal proceeding at which manufacturers and interested members of the public make oral presentations of data, views, and arguments with respect to the Initial Determination. There is no formal examination or cross examination of speakers, but presiding agency officials may ask clarifying questions. A transcript of the public meeting is kept by an official reporter who is hired by NCC. Exhibits may be offered by the manufacturer or members of the public.

G. FINAL DETERMINATION[3]

After the public meeting, ODI may conduct further investigative activities. These are documented in Section III of the Case File. If there is no "voluntary" recall, the Administrator receives a transcript of the Public meeting and is also briefed by ODI and NCC concerning this matter. If the Administrator determines that a safety-related defect exists, the manufacturer is ordered to furnish the notification specified in the Act and to elect a remedy for the defect as specified in the Act. If the Administrator does not determine that a safety-related defect exists, the investigation is closed and the manufacturer is notified of the closing in a letter signed by the Administrator.

NCC prepares the Final Determination, with input from ODI. The Case Investigator prepares a closing report, which after NCC review and approval appears in the completed public file, which includes a statement of the reason(s) for a decision to close the investigation.

The Case Investigator prepares a closing report, which after NCC review and approval appears in the completed public file, which includes a statement of the reason(s) for a decision to close the investigation.

NCC prepares the Final Determination or Closing Letter.

---

[3] Also see 49 C.F.R. Part 554

III. CONTROL REQUIREMENTS

A. REVIEW AND APPROVAL AUTHORITY

Reviews and approvals required for actions occurring during the investigative process are as shown below.

ACTION	Engineer or Staff	Branch Chief	Division Chief	Office Director	AA/ ENF	NCC ___	Admin-istrator
Initial Data Search	X						
Open/Close Preliminary Evaluation	R	C	C	A			
Open/Close Engineering Analysis	R	C	C	A	C*		
Recall Request Letter	R	C	C	C	A		
Convene Defect Review Panel	R	C	C	A	C		
Open/Close Formal Investigation	R	C	C	A	C	C	
Initial Determination	R	C	C	C	A	C	
Final Determination	R	C	C	C	C	C	A

X - Initiate/Perform

R - Recommend and/or Prepare

C - Review/Concur

A - Approve/Sign

* Not required if the EA closing is due to a recall.

B. DOCUMENT CONTROL

1. PE and EA File Maintenance

Three files are required for each PE or EA; a Master File, a Public File, and an Engineer's Working File. The Master file and Engineer's Working File are maintained by the DED engineer/investigator in charge of the investigation. The Public File is microfiched by the Defect Identification Division (DID) and maintained by the Technical Reference Division (TRD). A reference microfiche copy of the Public File and Index is maintained in the ODI library. A "running index" of the Public File is maintained by DID's Investigative Case Assistant (ICA) while the PE or EA is in progress.

a. Master File: The engineer/investigator keeps the original of all documents in the Master File. All Master File documents are preserved in the same condition they were received, except for CLASSIFIED/OFFICIAL USE ONLY material which is originally received by NCC. This classified material is separated, organized, and cross-referenced to identify the Master File document to which it pertains. No document in the Master File should be marked, annotated, separated or rearranged. However, the Master File documents will be marked with identification numbers which are added by DID during the microfiche process for the Public File. After indexing and microfiching, these documents are returned to the engineer/investigator, who keeps them in numerical order.

b. Public File: The Public File contains microfiche copies of all non-classified material in the master file, except ODI sponsored tests or surveys, which are not placed in the Public File until the EA is completed. All documents to be placed in the Public File are provided to the ICA by the engineer/investigator and DED Branch Chiefs. These documents are to be the originals or best copy documents which must be purged of all CLASSIFIED/OFFICIAL USE ONLY material. As documents are received, they are indexed by the ICA and each page is numbered consecutively and microfiched. The master microfiche copy is delivered to TRD to initiate or update the Public File. An index is maintained by the ICA and provided to TRD when the file is closed. After microfiching and indexing, the original documents are returned to the engineer/investigator to be placed in numerical order in the Master File.

c. Engineer's Working File: The engineer/investigator keeps copies of various Master File documents in his informal working file as needed for personal use. These may be marked and arranged in any order desired.

When a PE is closed because of a recall, copies of the manufacturer's recall documents, along with the original closing PE resume, are provided by the engineer/investigator to the ICA to be indexed and microfiched.

The master microfiche copy of the closing resume and recall documentation are delivered by the ICA to TRD for the final update of the Public File. The original resume and recall documents are returned to the DED engineer/investigator to be placed in numerical order in the Master file.

When a PE is closed without a recall, the closing PE resume is provided to the ICA to be indexed and microfiched. The original resume is returned to the DED Engineer/Investigation.

When an EA is closed, the original closing resume and closing report are provided to the ICA by the engineer/investigator to be indexed and microfiched. If the EA results in a recall, copies of the recall documents and closing resume are provided to the ICA by the engineer/investigator, and no closing report is required. The microfiche copy of the closing resume, closing report, and/or accompanying recall documentation are delivered to TRD for the final update of the Public File. The original resume and other documents are returned to the DED engineer/investigator to be placed in numerical order in the Master File.

At the discretion of the Office Director, material submitted to the ICA for the Public file after the PE or EA has been closed may be added to the file. If the material is deemed appropriate for inclusion, it is accompanied by a memorandum to the file, prepared by the engineer/investigator, identifying the material. All CLASSIFIED/OFFICIAL USE ONLY material is purged from the copy submitted for the Public File. DID produces a master (purged) microfiche copy of the memorandum and accompanying material, which is delivered to TRD for inclusion in the Public File. The original documents are returned to the engineer/investigator to be placed in numerical order in the Master File.

If CLASSIFIED/OFFICIAL USE ONLY material is reclassified as public information by memorandum from NCC, the material to be reclassified is removed from the Master File by the engineer/investigator and provided to the ICA with the memorandum from Chief Counsel. DID reclassifies the material, revises the index, and delivers the microfiche copy to TRD for inclusion in the Public File. The original documents are returned to the engineer/investigator to be placed in numerical order in the Master File.

Closed PE and EA Master and Working Files are transferred by the engineer/investigator to DID for archival storage at a contractor facility.

2. PE and EA Master File Structure

All PE and EA files should be set up in the following manner. The standardized method described not only makes it easier for the engineer to locate the desired information quickly, but also allows the supervisor to locate information when the engineer is not available.

All PE and EA master files are kept in numerical order in the engineer's office file cabinet so that they can be easily located. Each individual file should be organized as described below. All documents in Sections I and II should be the originals or best copies and should not be marked or annotated.

a. Section I - Official Correspondence: The purpose of Section I is to maintain a documented file of all correspondence between the agency and the manufacturer concerning the alleged defect. This includes all ODI telephone call memoranda and letters to the manufacturer, meeting memoranda, pertinent letters and telecons between other NHTSA offices (OVSC and NCC) and the manufacturer, and the manufacturer's responses.

   Material for which the manufacturer requests confidentiality is also kept in this section. The material must be kept in a separate envelope prominently marked "Confidential." If the material is subsequently determined not to be confidential, the letter from NCC to the manufacturer explaining the determination will be attached to the declassified information, and provided to the ICA to be indexed, microfiched and placed in the public file.

b. Section II - ODI Reports: This section includes reports of specific incidents, received directly by NHTSA (i.e., not through the manufacturer), which serve to document an alleged defect involving the subject vehicles. Hotline reports, letters, telephone call records, and other consumer reports are arranged, either chronologically or alphabetically. Also included are other pertinent informational items such as: Multi-Disciplinary Accident Investigation (MDAI) reports, police accident reports, newspaper and magazine stories, etc. These documents are placed behind the consumer report file.

c. Section III - Technical Information: This section includes all documents relevant to the alleged defect in the subject vehicles, which were not received directly from the manufacturer (Section I) or do not pertain to a specific incident (Section II). It includes all technical information, studies, and analyses developed or obtained by the engineer as part of the EA. Examples of the items filed here are as follows:

   - o Applicable Technical Service Bulletins and excerpts from the shop service manuals illustrating the area of concern;
   - o Test reports generated as a result of ODI initiated testing as well as surveys and/or interview reports initiated by ODI;
   - o Identified parts or parts tags;
   - o NHTSA Internal memoranda (NCSA, TRD, OVSC, etc.);

- o Information from Canada's Ministry of Transport and other memoranda;
- o NCSA Data (FARS, CARDFile);
- o NHTSA Press Releases;
- o Peer group information and analysis;
- o PE and EA opening and closing resumes (Attachment A);
- o EA Closing or Action Report (Attachment D or F); and
- o EA Transmittal Memorandum (Attachment E).

Engineer's Working File: This is an informal file that contains copies of all pertinent information needed to write the EA report, such as copies of portions of the manufacturer's response; the yellow grid copy of ODI's IR with returned certified mail receipt; charts; graphs; computer printouts; copies of Technical Service Bulletins and Service Manual pages; analyses; notes; etc.

The engineer's working file may contain copies of all documents in the Master File in cases where the file is small, or it may contain copies of only portions of larger files, which the engineer/investigator wishes to refer to frequently. It is filed as a separate unit after Section III of the Master File.

3. Case File Maintenance

The Case File (Formal Investigation) initially references the PE and EA documents in the Case file index.

Four files are required for each Case. These are the Master File, Legal File, Engineer's File, and Public File. The Master and Legal Files are maintained by the DID's ICA, the Engineer's working file is maintained by the case engineer/investigator, and the Public File is maintained by TRD. All material is placed into each file, if appropriate, as it is received or generated and after it is indexed. Hard copies of material for inclusion in the Public File are sent to TRD by the ICA.

a. Master File: The Master File consists of two sections. Section I contains an index of each document in the Case File and the original or best copy of documents introduced into the Case. This includes CLASSIFIED/OFFICIAL USE ONLY material. Attachments to documents which are too large to be physically placed in Section I are identified as Exhibits, listed separately in the index, bound, and cross-referenced to the submitted document. Items of physical evidence (parts) are also identified in the index to this section but are retained by the engineer.

Section II contains an index of all the vehicle owner reports introduced into the Case and the original or best copy of each vehicle owner report. Master File documents are indexed by the ICA, sequentially numbered, and preserved in the same condition in which they were received. As the Master File is updated, copies are provided to the engineer for the engineer's file and, if appropriate, by the ICA to TRD for the Public File.

b. Legal File: The Legal File is a duplicate copy of Section I of the Master File. It is a reference copy used by the Office of Chief Counsel (NCC).

c. Engineer's File: The Engineer's File is composed of copies of material in the Master File, as well as the engineer's personal notes. The engineer may mark and arrange the material in any order desired.

d. Public File: The Public File is a duplicate copy of the Master File, except that all CLASSIFIED/OFFICIAL USE ONLY material is excluded from the file. The Public File and index are prepared by the ICA and maintained by TRD and consist of material from Sections I and II. Each file and index is updated as new material is received.

The Case Files are closed when no safety defect trend has been identified or when the manufacturer has initiated a recall to correct the defect identified in the Case. When a Case File is closed because no safety defect has been identified or the manufacturer has initiated a recall, a final closing Case Report (ATTACHMENT L) is prepared. The final closing report and any accompanying documentation that is required to support the conclusion of the investigation is entered into each copy of the Case File. When a Case is concluded with a recall, a copy of the manufacturer's documentation, submitted in accordance with 49 CFR Parts 573 and 577, is also entered into each copy of the Case File.

Section I of the Legal File is reviewed by NCC for final classification and all classified material is noted. The reclassified documents are sent to TRD by the ICA to update Section I of the Public File. The Master File is updated to reflect these changes.

Starting with C92-000 cases, when an Initial Determination of a safety defect is made, Sections I and II of the Master, Legal, and Public Files are closed and a new section, Section III (Initial Determination File), is initiated for each of these files. For cases opened before October 1, 1991, the Initial Determination file was designated Section V. Section III contains two sub sections, which are the continuation of Sections I and II of the initial file. All files are maintained in the same manner as the initial Case files.

Section III files are closed when a recall is initiated before a final determination is made, or when a case is closed after there has been an Initial Determination but the agency does not determine that a safety defect exists. In cases where the agency seeks to enforce a Final Determination through the federal court system, the Master and Legal Section III Files are reopened and will continue to be updated by the ICA with information received through NCC. Materials identified by NCC as "public" will be provided to the Public File by the ICA during the litigation period.

NCC reviews classified/official materials in Section III files before the files are closed. Material that is submitted to the files after a case has been closed is accompanied by a memorandum identifying the material and its classification. Copies of material classified as "Public" are sent to TRD by the ICA to be placed in the Public file.

Reclassification of CLASSIFIED/OFFICIAL USE ONLY material to public information requires a memorandum from NCC. A copy of the material that is reclassified is delivered to TRD for inclusion in the public file.

4. Confidentiality

Confidentiality determinations are made by NCC in accordance with 49 CFR Part 512. CONFIDENTIAL MATERIAL IS NEVER PLACED IN THE PUBLIC FILE UNLESS NCC HAS RECLASSIFIED IT AS PUBLIC AND AUTHORIZED ITS DISCLOSURE.

During the PE and EA phases, material for which confidentiality is requested by a manufacturer is kept in a prominently marked "For Official Use Only" envelope by the engineer/investigator and placed in the Master File. An engineer may copy this marked material for the working file but must ensure that the confidentially of these documents is mentioned in his report. At the formal Case level, the original of all Confidential/Official Use Only material is kept in the master "official" file and a copy marked duplicate, if desired, is kept in the engineer's or investigator's working file.

Classification action is ordinarily taken by NCC upon receipt of the material and request for confidentiality from the manufacturer. In the event that the confidential material is received directly by the engineer or investigator, a copy of the material is sent to NCC by transmittal memo for confidentiality determination. If NCC determines that some of this material is not confidential, NCC notifies the manufacturer of this determination and of its rights to petition the Chief Counsel for reconsideration. The Chief Counsel's determinations upon such a petition is administratively final. If the Chief Counsel denies a petition for reconsideration, the manufacture is informed that the material will be made available to the public not less than 10 working days after it receives notice of the denial. After final denial of a request for confidential status, the letter from NCC to the manufacturer that reclassifies the information is attached to the declassified information. The material is stamped "Reclassified Public" before it is placed in the "public" file.

If NCC notifies ODI that the manufacturer has sought judicial review of the decision to deny confidentiality, the materials are withheld from the Public File until NCC notifies ODI that the court action has been completed and the documents may be reclassified.

Other investigative file documents that ordinarily are withheld from the Public File prior to an Initial Determination include (1) NHTSA sponsored test reports/results, (2) owner interview reports, and (3) internal NHTSA memoranda and reports. Such documents normally are released to the Public File after an Initial Determination unless they contain material that NCC classifies as "Confidential" or "Official Use Only." If additional documents in these categories are prepared or received after an Initial Determination but before a Final Determination or decision to close a "case," they are entered into Section III of the Master file and the index but withheld from the Public File until the investigation has been completed.

Events which can trigger NCC review of these documents and their release (all or portions) to the public include (1) a FOIA request, (2) Initial Defect Determination, (3) investigation closing, and (4) Final Defect Determination.

5. Document Review and Timing Guidelines

Document review and timing guidelines are shown on Figure 1. Any major deviations from the procedures or schedules in this plan must be approved by the Office Director.

SUBJECT	DOCUMENT REVIEW/ACTION							TIME			REMARKS
	ENGR OR STAFF	BRCH CHF	DIV CHF	OFF DIR	OCC	ASSOC ADMIN	ADMIN	DAYS	WKS	MOS	
INITIAL DATA SCREENING	I										Continuous Activity
PRELIMINARY EVALUATION											
Opening Resume	I	C	C	A					2		After Decision
Notify MFG	I							2			After Opening
Information Request	I	C	C	A					2		After Opening
File Entries	I								1		After Generation/Receipt
Analysis of MFG Response	I									2	After Receipt
Closing/Upgrade PE Resume	I	C	C	A					2		After Decision
ENGINEERING ANALYSIS											
EA Resume	I	C	C	A					2		After Decision
Notify MFG	I							2			After Opening
Information Request	I	C	C	A					2		After Opening
File Entries	I								1		After Generation/Receipt
Test/Procurement Req.	I	C	C	A						1	After Decision
Analysis of MFG Response	I									2	After Receipt
EA Closing Report	I	C	C	A		C					
Recall Request	I	C	C	C		A			2		After Decision
Draft EA Action Report	I	C	C	A		C				1	After Decision
Defect Review Panel (DRP)	I	C	C	A	C	C			2		After Report Approval
DRP Meeting Memo		I	C	A					1		After DRP Meeting
EA Action Report	I	C	C	A					2		After Decision
Close/Upgrade EA Resume	I	C	C	A					2		After Decision
Transfer File to Case File	I	A	C	C					2		After Case Opening
CASE											
Notify MFG				I				2			After Opening
Press Release (draft)	I	C	C	C	C	A			1		After Opening
Case Resume	I	C	C	A					1		After Opening
Case Opening Letter	I	C	C	A					1		After Opening
Case Brief	I	C	C	A					2		After Opening
Plan of Action	I	C	C	A	C				3		After Opening
Information Request	I	C	C	A					as req'd		
File Entries	I								1		After Generation/Receipt
Test/Procurement Req.	I	C	C	A						1	After Decision
Analysis of MFG Response	I									2	After Receipt
Case Report (draft)	I	C	C	A	C	C				2	After Decision
Case Report (final)	I	C	C	A	C	C			3		After Review
Initial Det. Letter	I	C	C	C	C	A			2		After Decision
Public Meeting Notice	I	C	C	C	C	A				1	After Init'l Det.
Final Determination	I	C	C	C	C	C	A			3	After Meeting

I=INITIATE/PERFORM; C=REVIEW/CONCUR; A=APPROVE/SIGN

Figure 1

C. INFORMATION REQUEST RESPONSE TIMES

Generally, domestic manufacturers are allowed approximately 6 weeks and foreign manufacturers 7 weeks to respond to a PE Information Request (IR) letter. Because EA IR's generally include a greater number of questions and those questions are generally of greater complexity, domestic manufacturers are usually given 7 weeks, and foreign manufacturers 8 weeks to respond.

Additional time is allowed for responses to Case IR's. Foreign manufacturers are normally allowed an extra week to respond, due to logistical and translation problems. If a manufacturer finds that it cannot provide all the requested information within the allotted time, it can request an extension no later than 5 working days prior to the due date. When circumstances prevent meeting the required delivery schedule for the entire submission, the manufacturer is expected to provide on-time delivery for that portion of the response which is complete. The manufacturer is warned that by failing to adhere to these guidelines, it may be subject to civil penalties.

The engineer or investigator should compute the manufacturer due date in the following manner. When the Wang version of the IR Letter is received, estimate when it will be signed by the Office Director. Starting with that date, compute the due date by adding the appropriate number of weeks as follows:

a. 6 weeks for a domestic PE response;
b. 7 weeks for a foreign PE response;
c. 7 weeks for a domestic EA reply;
d. 8 weeks for a foreign EA reply;
e. 9 weeks for a domestic case reply; and
d. 10 weeks for a foreign case reply.

If several ODI information requests are being handled by the same manufacturer simultaneously and/or a particularly complex request is sent, additional time can be granted at the discretion of the Office Director. In addition, add an extra week to all response times which include the Christmas holidays.

ODI RESUME

INVESTIGATION :
SUBJECT :
PROMPTED BY :{ODI COMPLAINTS, SERVICE BULLETINS, PE #, PETITION, PHONE CALL, CFAS}

DATE {OPENED} :
{CLOSED}
{UPGRADED}

PRINCIPAL ENGINEER/INVESTIGATOR:

DID INVESTIGATOR:

MANUFACTURER :
MODEL(S) :

MODEL YR(S) :

VEHICLE POPULATION:

SYNOPSIS:

FAILURE REPORT SUMMARY

BASIS:	ODI	MANUFACTURER	TOTAL
COMPLAINTS:			
ACCIDENTS:			
INJ ACCID:			
# INJURIES:			
FAT ACCID:			
# FATALS:			
OTHER:			

DESCRIPTION OF OTHER:

ACTION:

BRCH CHF _____ DIV CHF _____ OFC DIR _____

_____ _____ _____

DATE DATE DATE

SUMMARY:

The person who assigns the number, or his designee, must contact the MFR and initial and date below:

_____ / /

ATTACHMENT B
7/26/91

PE INFORMATION REQUEST

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

_____
_____
_____
_____

NEF-12__
PE_-__

Dear:

This letter is to advise you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) is conducting a Preliminary Evaluation of alleged _____ on certain 19__ to 19__ make/model vehicles manufactured by _____ ____, and to request certain information.

(For companies that are not familiar with ODI, use the following paragraph in addition to paragraph 1:)

ODI conducts investigations of potential safety defects in motor vehicles and motor vehicle equipment under the authority of Section 112 of the National Traffic and Motor Vehicle Safety Act (the Act), 15 U.S.C. Section 1401. The purpose of these investigations is to determine whether there is a need for NHTSA to order manufacturers, in accordance with Section 152 of the Act, 15 U.S.C. Section 1412, to conduct safety defect notification and recall campaigns to reduce the potential for accidents, injuries, and deaths.

This office has received ___ reports of alleged _____ failure in _____ vehicles. A copy of each of these reports is enclosed for your information. Unless otherwise stated in the text, the following definitions apply to this information request:

- **Subject vehicles**: all 19 _ through 19 _ model _____ vehicles with _____.
- _____: all officers, employees, agents, contractors, and consultants of _____ _____, whether assigned to its principal office or to any of its field locations, and all records or files maintained by the company either in hard copy form or in electronic storage media.
- **Alleged defect**: _____.

In order for my staff to evaluate the alleged defect, certain information is required. Pursuant to Sections 108 and 112 of the Act, please provide numbered responses to the following items. Please repeat the applicable item verbatim above each of your responses. If you cannot respond to any specific item, please state the reason why you are unable to do so.

1. State the total number of the _____ model subject vehicles equipped with ___ ___that _____ has sold in the United States by make, model, and model year.

2. State the number and furnish copies of all owner complaints, field reports, studies, surveys, and investigations, from all sources, which are in _____'s possession or control, or of which it is otherwise aware, that pertain to the alleged defect in the subject vehicles. This should include all information possessed by _____, or of which it is otherwise aware, pertaining to the reports enclosed with this letter. Separately state the number and furnish copies of owner complaints that were not originally submitted to ___ _____, but that it has received from other sources.

3. If _____ has issued any service or technical bulletins, advisories, or other communications to dealers, zone offices, or field offices pertaining to the alleged defect in the subject vehicles, provide a copy of each such document. If no such documents have been issued, so state.

4. Identify all accidents (by date, location, and names of parties involved) and all subrogation claims or lawsuits (by caption, court, and docket number) known to _____ that pertain to the alleged defect. Provide a separate analysis and description of each such item, identifying the vehicle (by model year and VIN), and the vehicle owner (by name, address, and telephone number), and clearly describing any personal injuries or property damage that may have occurred. Furnish all relevant reports, regardless of whether _____ has verified each one.

"OPTIONAL" QUESTION: (FOR USE WHERE ODI BELIEVES THAT THERE MAY BE NUMEROUS COMPLAINTS)

*. Provide a tabular summary of all incidents, injury accidents, property damage accidents, injuries, and fatalities known or reported to _____ which relate or may relate to the alleged defect.

5. Identify and describe all significant modifications or changes made by or on behalf of ___ ____ in the manufacture, design, or material composition of the _____ used in the subject vehicles from _____ to date that could relate to the alleged defect. The following information must be included for each such modification or change:

   a. the approximate date on which the modification or change was incorporated into production;

b. a description of the modification or change;
c. the reason for the modification or change; and
d. whether the modified or changed components can be interchanged with earlier production components.

6. State the number of warranty claims, including extended warranty claims, and requests for "good will," field or zone adjustments received by _____ from _____ to _____ that relate to the alleged defect in the subject vehicles, by model, model year, model series code, calendar month, and problem code. Each problem claim code must be identified.

7. State the number of the following components or assemblies sold for use on the subject vehicles from _____ to date, by component name, part number (both service and engineering), supplier (name and address), and model/model year of the vehicle for which they were intended:

a._____;
b._____;
c._____;
d._____; and
e._____.

This letter is being sent to your company pursuant to Section 112 of the Act, 15 U.S.C. 1401, which authorizes NHTSA to conduct any investigation that may be necessary to enforce Title I of the Act. Your failure to respond promptly and fully to this letter may be construed as a violation of Section 108(a)(1)(B) of the Act, 15 U.S.C. 1397(a)(1)(B), which prohibits the failure or refusal to provide information requested under Section 112.

Your response to this letter, in triplicate, must be submitted to this office by _____. Please include in your response the identification codes referenced on page 1 of this letter. If you find that you cannot provide all of the requested information within the time allotted, you must request an extension from Mr. Louis J. Brown, Jr., Chief, Defect Evaluation Division, Office of Defects Investigation, no later than 5 working days prior to the date on which your response is due. You may telephone Mr. Brown at (202) 366-1690 to request an extension, but must confirm your request in writing. If circumstances prevent you from submitting all information requested by the due date, you must submit by that date whatever information you then have available.

If you consider any portion of your response to be confidential information, include that material in a separate enclosure marked "CONFIDENTIAL." In addition, you must submit a copy of all such material to the Office of Chief Counsel (NCC-30), National Highway

Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, and comply with all other requirements for the submission of confidential business information stated in 49 CFR Part 512.

If you have any technical questions concerning this matter, please contact _____ of my staff at (202) 366-___.

Sincerely,

William A. Boehly, Acting Director
Office of Defects Investigation
Enforcement

(INFORMATION BELOW TO BE FILLED IN BY SECRETARY)
Enclosure(s): (LIST VOQ AND COMPLAINT LETTER NUMBERS)

NHTSA:NEF:ODI
NEF-12_:_____:__:6-___:_/_/_
cc:
NEF-01
NEF-10
NEF-112 Scott/Jimenez (if applicable)
NEF-12 Subject/Chron
Document ___

ATTACHMENT C
7/8/91

EA INFORMATION REQUEST

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

_____
_____
_____
_____

NEF-12___
EA_-__

Dear:

This is to advise you that the Office of Defects Investigation (ODI) has completed Preliminary Evaluation, PE _-__, concerning alleged _____ on certain Model Year (MY) 19_ to 19_ vehicles. Based on our analysis of the information received, we are now upgrading this matter into an Engineering Analysis (EA), which has been assigned identification number EA_-__. To assist us at this stage of the investigation we are requesting additional information.

OR

This is to advise you that the Office of Defects Investigation (ODI) of the National Highway Traffic Administration (NHTSA) has granted Petition No. ____, requesting an investigation of alleged _____ on certain Model Year (MY) 19_ through 19_ vehicles. As a consequence, we have opened an Engineering Analysis (EA), of the alleged defect, which has been assigned identification number EA ____. To assist us at this stage of the investigation, we are requesting additional information.

Enclosed for your information are copies of __ additional reports of alleged _____ failure in _ _____ vehicles that ODI has received since we last wrote to _____ about this subject.

Unless otherwise stated in the text, the following definitions apply to this information request:

- **Subject vehicles**: all MY 19 _ through 19 _ _____ model vehicles with _____.

- o _____: all officers, employees, agents, contractors, and consultants of _____ ___, whether assigned to its principal office or to any of its field locations.

- o **Alleged defect**: _____.

In order for my staff to evaluate the alleged defect, certain information is required. Pursuant to Sections 108 and 112 of the National Traffic and Motor Vehicle Safety Act (the Act), please provide numbered responses to the following items. Please repeat the applicable item verbatim above each of your responses. If you have previously furnished ODI with information that is responsive to any item(s) in this request, you need not resubmit that information, but your response must cross-reference (by date of response and question number) the earlier submission.

The submitted information is to include, but not be limited to, all written reports or documents; transcriptions, notes, or other documentation of oral communications; and information contained in electronic or other storage media. If you cannot respond to any specific item, please state the reason why you are unable to do so. If you claim that any information or material responsive to the following items need not be divulged to NHTSA because it is privileged, state the nature of that information or material and identify any document in which it is found by date, subject or title, name and position of person from and person to whom it was sent, and name and position of any other recipient. You must also describe any such privilege that you claim, and explain why you believe it applies.

1. State the total number of the _____ model subject vehicles equipped with _____ that _____ has sold in the United States, by make, model, and model year.

2. State the number and furnish copies of all owner complaints, field reports, studies, surveys, and investigations, from all sources, which are in _____'s possession or control, or of which it is otherwise aware, that pertain to the alleged defect in the subject vehicles. This should include all information possessed by _____, or of which it is otherwise aware, pertaining to the reports enclosed with this letter. Separately state the number and furnish copies of owner complaints that were not originally submitted to ___ _____, but that _____ has received from other sources.

3. If _____ has issued any service or technical bulletins, advisories, or other communications to dealers pertaining to the alleged defect in the subject vehicles, provide a copy of each such document. If no such documents have been issued, please so state.

4. Identify all accidents (by date, location, and names and telephone numbers of parties involved) and all subrogation claims or lawsuits (by caption, court, and docket number) known to _____ that pertain to the alleged defect. Provide a separate analysis and description of each such item, identifying the vehicle (by model year and VIN), and the vehicle owner (by name, address, and telephone number), and clearly describing any personal injuries or property damage that may have occurred. Furnish all relevant reports, regardless of whether _____ has verified each one.

"OPTIONAL" QUESTION: (FOR USE WHERE ODI BELIEVES THAT THERE MAY BE NUMEROUS COMPLAINTS)

*. Provide a tabular summary of all incidents, injury accidents, property damage accidents, injuries, and fatalities known or reported to _____ which relate or may relate to the alleged defect. This summary should separately show: (1) data reported in your letter to ODI dated _____; (2) data received or developed since the date of that letter; and (3) current, cumulative totals for each category.

5. Furnish any new information of which ____ is aware concerning any report, document, or other information which has previously been provided to NHTSA by _____ or any other person or entity. Also, furnish any additional information of which _____ is aware concerning the reports provided to _____ by ODI concerning this matter.

6. Identify and describe all significant modifications or changes made by or on behalf of __ _____ in the manufacture, design, or material composition of the _____ used in the subject vehicles from _____ to date that could relate to the alleged defect. The following information must be included for each such modification or change:

   a. the approximate date on which the modification or change was incorporated into production;
   b. a description of the modification or change;
   c. the reason for the modification or change; and
   d. whether the modified or changed components can be interchanged with earlier production components.

7. State the number of warranty claims, and requests for "good will" or other types of adjustments, received by _____ from _____ to _____that relate to the alleged defect in the subject vehicles, by model, model year, model series code, calendar month, and problem code. Each problem claim code must be identified.

8. State the number of the following components or assemblies sold by _____ or its dealers for use on the subject vehicles from _____ to date, by component name, part number (both service and engineering), supplier (name and address), and model/model year and approximate total number of all vehicles for which they were intended:

a. _____;
b. _____;
c. _____;
d. _____; and
e. _____.

9. If any of the components identified in Item 8 are sold (or have been sold) as part of a kit or package, identify every component included in the kit or package; provide the part number for the kit or package and for each of the included components that are not identified in response to Item 8; and state, by calendar year, the number of kits or packages sold from _____ to date.

10. Furnish engineering specifications and drawings of the following components identified in Item 8.

a. _____;
b. _____;
c. _____;
d. _____; and
e. _____.

11. For each assembly plant that produces or has produced the subject vehicles, state by calendar month, the number of such vehicles produced, and the beginning and ending production sequence numbers of the VINs assigned to all such vehicles.

12. Furnish copies of all communications between _____ and each supplier of the assembly (and components thereof) pertaining to its design, manufacture, performance, durability, quality, testing, or modification. If any communications on this subject were oral or were conducted electronically, provide a written transcript or summary of each such communication, and include a statement that identifies the participants and the date of the communication.

13. Furnish copies of all communications including, but not limited to, technical advisories and communication regarding warranty or other adjustments, between _____ _____ and its dealers, zone representatives, and field or other offices, concerning the alleged defect or any component that could contribute or otherwise relate thereto.

14. Furnish copies of all reports and other documents concerning tests and analyses conducted by _____ or by its contractors, suppliers or other entities, which were or which may have been used in developing or manufacturing components of the _____ assembly of the subject vehicles, or which could otherwise relate in any way to this investigation. Identify, by name and address, the entity that conducted each such test or analysis.

15. Describe all other tests and analyses conducted by _____, its contractors, suppliers, or by other entities, that pertain to the alleged defect. Identify, by name and address, the entity that conducted each such test or analysis. Furnish copies of all reports, notes, tables, graphs, or other documents that pertain to each such test or analysis. State when each test or analysis was initiated and concluded, or whether it is still in progress.

16. State whether _____ ever considered substituting alternative designs or components for the _____. If so, identify and describe each such alternative design or component, and state:

    a. the date it was first proposed; and
    b. the disposition of that proposal (i.e., approved, disapproved, or still being evaluated) and the reasons for that action.

17. Furnish ____'s assessment of the alleged defect in the subject vehicles, including:

    a. all causal or contributory factors;
    b. the failure mode;
    c. the risk to motor vehicle safety that it poses; and
    d. whether there are any circumstances that would provide vehicle operators or others with warning of its existence.

18. Furnish a copy of all documents not specifically requested herein, which _____ believes are relevant to, or which were used in formulating its assessment of, the alleged defect.

This letter is being sent to your company pursuant to Section 112 of the Act, 15 U.S.C. 1401, which authorizes NHTSA to conduct any investigation that may be necessary to enforce Title I of the Act. Your failure to respond promptly and fully to this letter may be construed as a violation of Section 108(a)(1)(B) of the Act, 15 U.S.C. 1397(a)(1)(B), which prohibits the failure or refusal to provide information requested under Section 112.

Your response to this letter, in triplicate, must be submitted to this office by _____. Please include in your response the identification codes referenced on page 1 of this letter. If you find that you cannot provide all of the requested information within the time allotted, you must request an extension from Mr. Louis J. Brown, Jr., Chief, Defect Evaluation Division, Office of Defects Investigation, no later than 5 working days prior to the date on which your response is due. You may telephone Mr. Brown at (202) 366-1690 to request an extension, but must confirm your request in writing. If circumstances prevent you from submitting all information requested by the due date, you must submit by that date whatever information you then have available.

If you consider any portion of your response to be confidential information, include that material in a separate enclosure marked "CONFIDENTIAL." In addition, you must submit a copy of all such material to the Office of Chief Counsel (NCC-30), National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, and comply with all other requirements for the submission of confidential business information stated in 49 CFR Part 512.

If you have any technical questions concerning this matter, please contact _____ of my staff at (202) 366-___.

Sincerely,

William A. Boehly, Acting Director
Office of Defects Investigation
Enforcement

(INFORMATION BELOW TO BE FILLED IN BY SECRETARY)
Enclosure(s): (LIST VOQ AND COMPLAINT LETTER NUMBERS)

NHTSA:NEF:ODI
NEF-12_:_____:__:6-__:_/_/_
cc:
NEF-01
NEF-10
NEF-112 Scott/Jimenez (if applicable)
NEF-12 Subject/Chron
Document ___

ENGINEERING ANALYSIS CLOSING REPORT

SUBJECT:

EA No.: **Date Opened:** **Date Closed:**

BASIS:

THE ALLEGED DEFECT:

DESCRIPTION OF COMPONENT OR VEHICLE SYSTEM:

CORRESPONDENCE:

NHTSA to Mfr.	Mfr. to NHTSA	Mfr. to NHTSA Supplement	Confidentiality Date Requested	Date NCC Response	Items Confidential

STATUS

PROBLEM EXPERIENCE:	EA Opened		EA Closed		
Reports	ODI	MFR	ODI	MFR	Total
Owner					
Field					
Lawsuits					
Property Damage Accidents					
Injury Accidents/ Injuries					
Fatal Accidents/ Fatalities					
Other Accidents					

VEHICLE POPULATION:

WARRANTY:

SERVICE BULLETINS:

PART SALES:

DESIGN, MATERIAL, AND/OR PRODUCTION MODIFICATIONS:

TESTING: Contractor:

Date of Test Request: Date Report Received:

Description:

Results:

ADDITIONAL INFORMATION:

WARNING SYMPTOMS:

CONTRIBUTING FACTORS:

FAILURE/MALFUNCTION MODES:

MANUFACTURER'S EVALUATION OF THE ALLEGED DEFECT:

REASON FOR CLOSING:

_____ _____
Safety Defects Engineer Date

I Concur:

_____ _____
Chief, Vehicle Control Branch Date
or
Chief, Vehicle Integrity Branch

_____ _____
Chief, Defect Evaluation Division Date

_____ _____
Director, Office of Defects Investigation Date

ATTACHMENT E
9/18/90

EA TRANSMITTAL MEMORANDUM

Alleged_____
_____, EA90-0__

Safety Defects Engineer

Division Chief

Thru: Branch Chief

SYNOPSIS: (Provide a one paragraph history starting with the PE and working through the EA)

CONCLUSIONS:

BASIS FOR UPGRADING TO A CASE OR CLOSING: It is recommended that this analysis be _____ because:

(Since this is not a public document, you may express opinions, predictions, reservations, recommend rulemaking action, recommend closing or upgrading to a Case, etc.)

#

ENGINEERING ANALYSIS ACTION REPORT

SUBJECT:

BASIS:

The basis identifies the information which influenced the initiation of the analysis. It includes the number of reports at initiation and the date the Engineering Analysis (EA) was assigned a number. If it started as a Preliminary Evaluation (PE), that date and the PE number are also included.

THE ALLEGED DEFECT AND POTENTIAL SAFETY-RELATED CONSEQUENCES:

This section includes the alleged failure mode, descriptions of any warnings, and the probable safety consequences to the motoring public.

DESCRIPTION OF COMPONENT OR VEHICLE SYSTEM:

This section is expanded when either the vehicle or component is not general knowledge. It should be presumed that some readers will have a limited automotive background, and the description should be prepared accordingly. This description includes a discussion of the operation and function of the system involved and the associated components. A picture or diagram showing the part and its location should be part of this section.

PROBLEM EXPERIENCE:

Reports of failures or malfunctions from:

1. Office of Defects Investigation (ODI) consumer files, phone calls, National Highway Traffic Safety Administration (NHTSA) initiated surveys, etc.

2. The manufacturer -- including owner and field service reports.

3. Accidents, injuries, and fatalities from ODI files, manufacturer files, accident reports, and lawsuits.

4. Composite summary of complaints, accidents, injuries, and fatalities.

TECHNICAL INFORMATION:

All pertinent technical data is detailed in this section. This will normally include, but is not limited to, the following:

1. Vehicles involved and the associated vehicle population figures.

2. Information in response to written requests for Technical Service Bulletins, quality control and design changes, product improvements, warranty claims, parts sales, and company investigations.

3. The manufacturer's analysis of the alleged defect and evaluation of the risk to motor vehicle safety.

4. Test results forwarded by the manufacturer.

5. NHTSA test results.

6. Photographs of failed components.

7. In-house record checks:

    a. Service manuals
    b. Technical Service Bulletins
    c. Recall files
    d. Similar EA's and Cases
    e. National Center for Statistics and Analysis data
    f. Office of Vehicle Safety Compliance Test Reports and Compliance Information Requests
    g. Technical Reference Division data

ENGINEERING ANALYSIS:

This section provides an engineering assessment of the facts gathered under "Problem Experience" and "Technical Information." In addition, it includes where applicable:

1. Comparison with peer groups, including other EA's and Cases concerning the same problem but different manufacturers, makes, or models.

2. Failure projections based on parts sales and warranty data, mileage, and time-to-failure.

3. Appropriate analyses based on factors such as: vehicle characteristics, including engines, transmissions, air conditioning, cruise control; manufacturing data such as assembly plants and VIN sequence; other equipment on the vehicles; weather; other environmental effects; geographical location; and other variables.

4. The engineering relationship or correlation between design or production changes and the reported failures.

5. Technical surveys.

6. Safety and nonsafety related implications, including cause of failure, failure modes, risk, and warning.

OBSERVATIONS

Based on the above information, observations concerning the alleged defect are prepared. In developing these observations, the following questions, among others, should usually be addressed:

- Is it a defect? If so, is it related to a design, material, manufacturing, or an assembly deficiency?

- Does it appear to be an unreasonable risk to motor vehicle safety?

- What are the warning signs, if any?

- Is it an "infant mortality" problem? Will it continue to occur?

- Can the defect be identified?

- Is it a purely performance related matter? Do objective performance standards exist?

- What influences the occurrence of the defect (environment, usage, maintenance, operator error, etc.)?

- Is there a known remedy?

CONCLUSIONS AND RECOMMENDATIONS:

These do not appear in this document, but are placed in the EA Transmittal Memorandum (See Attachment E).

_____ _____
Safety Defects Engineer Date

I concur:

_____ _____
Chief, Vehicle Control Branch Date
or
Chief, Vehicle Integrity Branch

_____ _____
Chief, Defect Evaluation Division Date

_____ _____
Director, Office of Defects Investigation Date

ATTACHMENT G
7/15/91

SAMPLE RECALL REQUEST LETTER

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

(Manufacturer)

NEF-12__
EA91-___

Dear Mr. :

The National Highway Traffic Safety Administration (NHTSA) has been investigating alleged _____failures in certain _____ vehicles since _____. During that period, we have reviewed owner complaints and your reply to our inquiry, conducted tests, inspected several failed _____ in the subject vehicles, and interviewed several subject vehicle owners concerning the _____failure. We believe that the information now available indicates that _____should initiate a recall of these vehicles to correct the _____ problem.

We are aware of (#) owner reports alleging _____failure on the subject vehicles, ____ warranty claims, and the sale of (#) _____ and (#) _____pertaining to the _____ in the subject vehicles.

The number of reports of failed _____ in the subject vehicles has been increasing, perhaps because metal fatigue type failures are time-related. You have received (#) reports during the first (#) months in 1990, (#) reports in 1989, and (#) reports in the last (no.) months of 1988; this office has received (#) reports in the last (#) months. There is no reason to believe that these _____failures will not continue to occur in the future. (NOTE THAT THIS PARAGRAPH, OR PARTS OF IT, MAY NOT BE APPLICABLE IN ALL CASES.)

Available information indicates that (DESCRIBE FAILURE MODE AND SAFETY-RELATED CONSEQUENCES IN DETAIL).

Apparently, _____ is aware of these failure modes and has taken some actions to correct the problem. For example,_____ issued a Technical Service Bulletin, Number_____, Title_____ dated _____, in which the above two failure modes and repair parts and procedures are described. Additionally, _____ proposed a Service Recall as stated in

its letter of _____, that ". . . _____ has determined that positive field corrective action is necessary for customer satisfaction purposes. We will in the near future notify owners of this condition and of a warranty extension to 7 years or 70,000 miles for its correction. Repairs will be performed as described in the Technical Service Bulletin." AGAIN, NOTE THAT THIS PARAGRAPH MAY NOT ALWAYS APPLY.

NHTSA investigators and engineers have inspected (tested) several failed _____ on the subject vehicles and found evidence to confirm that defective _____ can cause fires, accidents, incidents, etc.

A review of owner complaint reports revealed that among the __ owner complaints, _ reported accidents involving __ injuries, __ indicated that _____ occurred while driving, _ mentioned loss of vehicle control resulting from _____, and _ indicated that _____.

The information received by this office demonstrates that there is a continuing risk of _____ _____ involving the subject_____vehicles. We request that you initiate a safety recall concerning this matter.

If _____ determines not to undertake the requested recall action, it must state the reasons for this decision in detail and furnish any additional analysis of the problem to this office. If _____ fails to initiate a safety recall, I may recommend that a formal defect investigation be opened. This would include issuance of a press release describing the alleged defect and the reasons for the investigation.

Our recommendation to conduct a safety recall does not reflect a formal conclusion by the agency. Also, our recommendation should not be confused with an initial or final determination of a safety defect pursuant to Section 152 of the National Traffic and Motor Vehicle Safety Act (the Act), (15 U.S.C. Section 1412) or with a recall order that is issued by the agency after a final determination of a safety defect.

Your written response, in triplicate, referencing the identification codes in the upper right hand corner of page 1 of this letter, must be submitted to this office within 10 working days from your receipt of this letter.

It is important that _____ respond to this letter on time. This letter is being sent pursuant to Section 112 of the Act (15 U.S.C. 1401), which authorizes this agency to conduct any investigation which may be necessary to enforce Title I of the Act. Failure to respond promptly and fully to this letter may be construed as a violation of Section 108(a)(1)(B) of the Act, 15 U.S.C. 1397(a)(1)(B).

If you have questions regarding safety recall procedures, please contact Mr. Jon White of my staff at (202) 366-5226. If you have any technical questions, please contact _____ at (202) 366-_____.

Sincerely,

William A. Boehly
Associate Administrator
for Enforcement

NHTSA:NEF:ODI; NEF-12:_:65201:10/22/90; cc: NEF-01; NEF-10; NEF-11 Scott
NEF-12 Subject/Chron; Document _____

ATTACHMENT H
9/18/90

CASE RESUME

SUBJECT: Alleged Failure of Dual Rear Wheel Retention System used on 1975-1984 Ford E-350 and F-350 Trucks and Vans ODI Case No. C85-10

BASIS FOR INVESTIGATION:

This case was opened on September 30, 1985, based on information which includes at least 1,686 failures involving the dual rear wheel retention system used on 1975 through 1984 standard and Domestic Special Order (DSO) Ford E-350/F-350 trucks and vans. These reports include 212 property damage accidents, 76 injuries, and 1 fatality. This investigation was initiated to determine whether the problem constitutes a safety-related defect within the meaning of the National Traffic and Motor Vehicle Safety Act of 1966.

DESCRIPTION AND FUNCTION:

Subject vehicles are equipped with dual rear wheels, i.e., two wheels and tires mounted side-by-side on each end of the rear axle. Rear wheels are identical and are held in place by eight 90 degree cone wheel nuts. The wheel bolt holes are alternately flared inward and outward to mate the wheel surfaces together before mounting. Subject vehicles use 9/16-inch studs and nuts except for so-called DSO vehicles which used 5/8-inch studs and nuts.

VEHICLE POPULATION: 456,500

THE ALLEGED PROBLEM:

Problem Mode: The problem involves loose or missing stud nuts and broken wheel studs which can result in disengagement of a set of dual rear wheels. Disengagement of the dual rear wheels may cause the affected side of the vehicle to drop onto the brake drum with accompanying loss of vehicle control. The separated wheel and tire assemblies become free projectiles traveling at about the speed of the vehicle before separate.

Problem Symptoms: There is no known warning of impending separation of the wheel and tire. It is possible that missing and loose stud nuts or broken wheel studs may be observed or detected before any final separation.

MAR 22 1989

Mr. C. Thomas Terry
Manager, Product Investigations
General Motors Corporation
30200 Mound Road
Warren, MI 48090-9010

NEF-12whr
C89-001

Dear Mr. Terry:

This is to confirm my telephone conversation of March 6, 1989, with you concerning our Defect Review Panel Meeting.

On March 6, 1989, the National Highway Traffic Safety Administration initiated a formal Defect Investigation involving the Cruise III System on certain 1984 through 1988 General Motors vehicles. Enclosed for reference is a case resume further describing the scope of the investigation.

Sincerely,

Original Signed
Michael B. Brownlee

Michael B. Brownlee, Director
Office of Defects Investigation
Enforcement

Enclosure

C89-001-1.3

ATTACHMENT J

U.S. Department of Transportation

News:

Office of the Assistant Secretary for Public Affairs
Washington, D.C. 20590

FOR IMMEDIATE RELEASE
Thursday, March 16, 1989

NHTSA 04-89
Barry McCahill
Tele.: (202) 366-9550

NHTSA OPENS SAFETY INVESTIGATION OF 1.9 MILLION GENERAL MOTORS CARS

The National Highway Traffic Safety Administration (NHTSA) today announced that it has opened a formal safety defect investigation involving an alleged problem in the throttle connection to the cruise control system in nearly two million model year 1984 through 1988 General Motors cars.

According to NHTSA, a small plastic ring slips out of a part of the cruise control system while the vehicle is at highway speed, causing the throttle to be held partially open. Under certain conditions, the driver may be startled and lose control of the car, and the brakes will be less effective. There are no warning symptoms before the failure occurs. This phenomenon is not related to the so-called "sudden acceleration" condition in which drivers experience unexpected full power acceleration, nor does it appear to involve the misapplication of brake and accelerator pedals.

NHTSA cautioned drivers who experience a stuck throttle in these or any other vehicles to turn off the ignition and steer to the side of the road as carefully and quickly as possible, keeping in mind that any power-assisted braking and steering will be diminished once the engine is turned off. Owners who have the problem should report incidents to NHTSA by calling the agency's toll-free Auto Safety Hotline at (800) 424-9393 (366-0123 in the Washington, D.C. area).

The safety agency said that 1.6 million GM cars with a 5 liter gasoline engine and 300,000 cars with eight cylinder diesel engines are involved. Included are 1984-88 Oldsmobile (Delta 88, 98, Cutlass Supreme and Toronado), Buick (LeSabre, Riviera, and Regal), Pontiac (Parisienne and Grand Prix), Chevrolet (Caprice and Monte Carlo), and Cadillac (Brougham, Eldorado and Seville) cruise control-equipped cars. NHTSA has received a total of 144 complaints from owners, including reports of 18 accidents and 7 injuries allegedly resulting from this problem.

NHTSA said General Motors has refused the agency's request for a voluntary safety recall. The formal safety defect investigation has been opened to prepare for a possible government-ordered recall.

##

ATTACHMENT K
9/18/90

(FOR OFFICIAL USE ONLY)

CASE BRIEF

ODI CASE NO.: C90-0-

CASE OPENED:

SUBJECT VEHICLES:

ALLEGED PROBLEM:

VEHICLE POPULATION:

FAILURE SUMMARY:

	No. of	Accidents			
As of	Reports	Prop. dam.	Injuries	No. Injuries	Fatal
10/28/85	xx	xx	xx	xx	x
1/13/86	xx	xx	xx	xx	x

MAJOR ACTIONS AND STATUS:

- o Owner Survey:
  Target Completion Date: ( )
- o Vehicle Tests:
  Project completed: ( )
- o Other Actions as appropriate
- o Manufacturer Actions/Positions:

ACTIVITIES SINCE LAST UPDATE:

ATTACHMENT L
9/18/90

Investigative Report

ODI Case No.

ALLEGED _____, 19_-19_ _____

MANUFACTURED BY _____ CORPORATION

Date

Office of Defects Investigation

Enforcement

National Highway Traffic Safety Administration

TABLE OF CONTENTS (sample)

I. Background

Basis for Investigation:

The basis identifies the information which influenced the opening of the investigation. It includes the number of reports, accidents, injuries, and fatalities. It also includes a short statement of the objectives of the investigation, including . . . "The investigation was initiated to determine whether the alleged (defect) constitutes a safety-related defect within the meaning of the National Traffic and Motor Vehicle Safety Act, as amended."

Description and Function:

This section should include a discussion of the operation and function of the system involved and the associated components. If it is not a common part, a picture or diagram describing what the problem involves should be part of this section.

Alleged Defect:

This section includes the alleged failure mode, description of any warnings, and the probable safety consequences to the public.

II. Vehicle Population

This section should present the vehicle production and vehicles on the road information broken down by model, model year, etc., as appropriate for the case.

III. Owner Reports

A summary of owner reports is presented in this section including reports of accidents, injuries, and fatalities. The summary should describe the types of relevant problems encompassed in the complaints. The presentation should be broken down by appropriate categories. The categories should include ODI, manufacturer, and total reports (duplicates eliminated). Any unique features of the reports received by the manufacturer and forwarded to NHTSA are described along with their relevancy to the case.

An analysis of the total failure reports should also be described in this section. The meaning of failure report distribution trends should be described as well as the meaning of changes in the type of problem reported. The impact of any service or manufacturing action by the manufacturer should be described.

In general, it is the purpose of this section to describe all information relevant to the case that can be obtained from the failure reports.

IV. Technical Data

This section should used to present all technical and factually relevant information gathered, or developed during, the investigation. Data such as part sales, warranty claims, manufacturer test reports, etc., are described in this section highlighting the information of particular relevancy to the case. As the data is presented, any pertinent analyses or observations are made along with it (topic-by-topic, section-by-section, etc.). Data to be included and examples of analyses that can be made are given below:

Examples of Data

A. Production and Design Changes:

Production changes made by the manufacturer are described in this section with emphasis on the changes relevant to the case.

B. Field Modifications:

Modifications authorized by the manufacturer and made in the field are described along with their relevancy to the case.

C. Manufacturer Service Campaigns:

If the manufacturer has performed any related service campaigns, they are described in this section and their relevancy to the case explained.

D. Manufacturer Evaluation of the Hazard:

The response by the manufacturer to questions about the safety hazard posed by the alleged defect is described in this section.

E. ODI Owner Surveys:

The purpose and results of any surveys of owners of affected vehicles are described along with observations relevant to the case.

F. ODI Owner Interviews:

The results of owner interviews are described along with observations relevant to the case.

G. ODI Tests:

The purpose, design, and results of ODI test programs are described along with observations relevant to the case.

Examples of Analyses

A. Comparison with peer groups, including EA's and other cases concerning the same problem but different manufacturers, makes, or models.

B. Analysis of parts sales and warranty data, mileage, and time-to-failure.

C. Appropriate analyses based on factors such as: vehicle characteristics including engines, transmissions, air /conditioning; manufacturing data such as assembly plants, VIN sequence numbers; other equipment on the vehicles; weather; other environmental effects; geographical location; and other variables.

D. The engineering relationship or correlation between design and production changes and the reported failures.

IV. Other

This section is reserved for the presentation of other relevant information bearing upon the investigation, but which was not gathered or developed as part of the investigation. For example, if this case were on alleged rear brake lockup (non X-car), a short discussion of pertinent information on the status of the X-car case might be appropriate.

VI. Observations

This section provides a capsulized summary of all of the factual information, both gathered or developed through analysis, presented in the case.

_____ _____

Safety Defects Engineer Date

I concur:

_____ _____

Chief, Vehicle Control Branch Date
or
Chief, Vehicle Integrity Branch

_____ _____

Chief, Defect Evaluation Division Date