Memorandum

U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

Subject: Placing material in the Artemis Repository and Public File **Date:** May 25, 2011

From: Bruce York

To: Medium and Heavy Duty Vehicle Division Staff

This memo pertains to getting material into the Artemis Internal Repository (the "Repository" for internal use only) and the Public File. These actions are primarily the responsibility of the investigating engineer, Connie and Rosa. It is critically important that these documents be cataloged and placed in the proper file(s). Those of you that have been here for more than 3 or 4 years are well aware of the confusion that comes when we get a FOIA or other request for documents that we cannot locate or, once found, are so disorganized that we waste lots of time just trying to figure out what we have. If, over the course of your investigation(s) you take the time to organize files and ensure that the Repository is up-to-date, it will save a lot of work down the road.

PUBLIC FILE vs. INTERNAL REPOSITORY - First, if it's in the Public File it should be in the Repository too. The Public File should have all incoming IR responses (forwarded to Rosa for her processing into the Public File.) Also, the Public File should receive (when final) VRTC test reports, memos of meetings (subject, investigations number, date, location, attendees – no technical details); also, handouts from the manufacturer, if not confidential should be placed in the Public File (via Rosa).

All Resumes: Once approved, get scanned into the Repository and Public File by Connie. This includes all resume attachments that are referred to in the summary on the resume.

All Information Requests (IR's): like resumes, Connie scans these into the Repository. Make certain she has all attachments.

All IR responses: If the respondent follows directions, two copies come in. If not, we typically only get one copy and another will have to be made. One copy goes to the investigator. The other goes to Rosa for the Public File. Effective immediately, Connie will date stamp those responses she opens and then identify the relevant investigation. If unable to determine the relevant investigation, she will see me. After identifying the investigation, she will send an E-mail to me, the engineer, and Rosa advising that:

a. "The IR for PEXX-XXX" has arrived;
b. the working copy has been supplied to the investigator and;
c. that the 2nd copy has been given to Rosa for Public File indexing and placement. In this way, everyone will be notified that an IR response has arrived and the status and location of the documents.

Test Requests and Reports: - scanned into the Repository and Public File by Connie when received in final.

Confidential Material: scanned into the Repository by Connie. **NOTE – UNDER NO CIRCUMSTANCES IS BONEFIDE CONFIDENTIAL MATERIAL TO BE PLACED IN THE PUBLIC FILE.** If there is ANY doubt about whether or not something is confidential, hold the document(s) out and check on them. Do NOT assume anything. Better safe than sorry.

Note to Investigators/Engineers – Typically, the MFR's IR response will include material they believe should be treated confidentially. If so, this usually is noted in their IR response. If the respondent followed directions, the "confidential" material will have been sent to OCC. If not, only you may have a copy. In the latter instance, you need to make another copy…one for you and the other for OCC. Then, you need to contact Otto Matteke either give him a copy (keeping one for yourself) or getting a copy from OCC. If you fail to do this, any analysis you conduct may be flawed because it will not include an assessment of the confidential information. Otto Matteke is the attorney currently handling confidentiality requests. Otto may need your help in determining whether the Mfr's confidentiality request is justified.

Meeting Materials: If, during the investigation, a meeting occurs, the engineer/investigator is required to place a memo in the Repository and Public File noting the meeting date, investigation number, and a listing of participants. The memo should include something like, "A meeting was held on Dec 12, 2003 to discuss technical issues related to the investigation EA02-xxx." No details. After creating this memo, it is initialed by me. Then it goes to Connie to be scanned into the repository.
Non-confidential presentations and handouts are placed in the Public File and Repository once the investigation is closed.

Confidential presentations and handouts go into <u>ONLY</u> the Repository for our internal use. Please give these materials to Connie. Additionally, you must ensure that OCC is advised of the confidentiality request and provide the claimed confidential presentation material to them. Typically, manufacturers will already have submitted the material to OCC.

VRTC presentations are handled the same way. If VRTC comes in to support us and does a presentation - if we give any presentation materials to the Mfr, those materials go into the Public File. If we simply let them take notes but do not exchange paper, the presentation goes into the Repository (for that investigation) upon completion of the investigation. (Connie)

OK, the Investigation's Closed…Now What Do I Do?

Once an investigation is closed, please take the following actions:

<u>DRAFTS</u> - once your work is complete - get rid of 'em. Throw the "paper away" and delete old files from your hard drive. Do not store draft material.

<u>PERSONAL NOTES</u> -as I understand it, personal notes are yours - however IF you have shared them with anyone/someone (me for instance) they are subject to FOIA, ***however, what constitutes personal notes is subject to interpretation<u>…proceed accordingly</u>***. Once an investigation is over – ***if it's really over*** – what you do with these notes is left to your discretion. Keep in mind, however, if others have access to them they may be reviewed by someone and misinterpreted in the future. Be very careful with these types of documents.

1. Give Connie a copy of the initialed closing resume and any attachments (recalls, service bulletins, ONP's etc). If the manufacture submitted a recall, TSB, ONP etc, ensure that a reference to the Artemis document is made in the closing resume. <u>**Also**</u> ensure that the recall management division is aware that if a recall was submitted that it is in response to your investigation.

2. Check the Repository (via ARTEMIS using investigation number) to make sure it contains all appropriate documents. If it does not, work with Connie to complete the investigation's Repository. At a minimum, the Repository for your investigations should include: Opening Resume; IR to mfr; MFR Response to our IR; Confidential documents; Meeting notes; Briefings and Presentations; Test Requests and Reports; Closing Resume List of VOQs, FRs, TSBs, E-Mails, phone calls, or other communications that were counted on the opening and closing resumes, and appropriate attachments (Recalls).

3. Make certain that material received after the investigation is closed (VRTC final reports, for example) are properly filed. A hard copy is stored by you (with the appropriate box index updated) and a scanned copy goes into the Repository (by Connie).

Connie - when a PE or EA closes, I would like you also to review the Repository and remind the engineer of what, if anything is missing. Please see me if there are problems fully documenting the Repository.

In order to put materials into storage, please follow these instructions:

EACH BOX MUST CONTAIN AN INDEX – THE MORE DETAILED, THE BETTER – THAT IS PLACED ON TOP OF THE BOX CONTENTS. After boxing and indexing, the box(es) should be given to Randy Reid for cataloging. I would suggest that you keep a record of boxes which you have inventoried and keep a copy of each index for each box by the "box number." That way, if you get a request for something within several months or a year of closing an investigation and shipping the boxes, you will know what documents are in what boxes. Randy, upon receipt of "completed" boxes will then send them to storage. Of course, these files probably contain material that should be in the Repository but is not yet there. Please work with Connie who will get them into the proper place.

<u>WHERE DOES THE MATERIAL GO (SUMMARY)?</u>

To assist in understanding where material generated during an investigation is to be filed, please refer to the following table. Note, during the course of an ODI investigation, a great deal of material may be gathered. All of it needs to be filed in a manner that allows us to easily identify and retrieve it, both while the investigation is underway and after it is closed. The following table lists some of the more common document types and where they should be filed. This is a general list and is not meant to cover every conceivable possibility.

Item Description	ODI Internal Rep.	Public File	OCC
All Resumes	X	X	
Closing Report	X	X	
All Information Requests (IR's)	X	X	
IR response (non-confidential)	X	X	
IR response (confidential)	X		X
IR response extension requests and ODI grant/deny	X	X	
All letters (in & out)	X	X	X (Confidential only)
Test Requests	X	X	
Test Reports	X	X (@ closing)	
Meeting Memos	X	X	
Mfr. Presentation Material	X	X	X (If Claimed Confidential)
Investigator Field Material (incl pics)	X	X	
List of VOQs, FRs, TSBs, E-Mails, Phone Calls, or Other Communications That Were Counted On The Resume	X		

Please give this entire area your full attention. It is much easier to get this information/data/documents into their proper place as the investigation moves along, rather than trying to reconstruct paper files many months or perhaps even years later when we receive a FOIA or some other pressing need exists to provide documents related to an investigation.

If you have questions about any of the above, please see me.