

---

# CENTER FOR AUTO SAFETY

1825 CONNECTICUT AVENUE NW SUITE 330 WASHINGTON DC 20009-5708  
202-328-7700 ♦ www.autosafety.org

February 28, 2014

## VIA FAX AND FIRST CLASS MAIL

National Highway Traffic Safety Administration (NHTSA)  
Executive Secretariat  
1200 New Jersey Ave. SE  
West Building  
Washington, DC 20590

## FOIA REQUEST

Dear FOIA Officer:

The Center for Auto Safety ("CAS") files this request pursuant to the Freedom of Information Act ("FOIA"). CAS is a nationwide nonprofit consumer advocacy organization established in 1970 by Consumers Union and Ralph Nader. CAS works toward improved safety, environmental responsibility, and fair dealing in the automotive industry and the marketplace.

CAS seeks the following information:

**All records related to the below listed and attached "DI" inquiries  
conducted by the Early Warning Division.**

**DI05-142**

**DI07-044**

CAS believes that the requested records are likely to be located within the Office of Defects Investigation, the Office of Chief Counsel, and the Office of the Administrator. These documents may include electronic as well as paper records. Also, pursuant to 5 U.S.C. § 552(a)(4)(A) and U.S. Department of Transportation regulations set forth at 49 C.F.R. § 7.44, CAS requests, and NHTSA should grant, a waiver and/or reduction of fees for processing this FOIA request, including search, review, and duplication charges, for the reasons given below. We presume there will be no fee, as the last request covered six years of tracking data, and no fee was required. However, if there is a fee, please consider the following.

49 C.F.R. § 7.44(a) and (c) provide that a fee is not to be charged for the first two hours of search time or the duplication of the first 100 pages, "unless the records are requested for commercial use." In addition, 49 C.F.R. § 7.44(d) states that review fees for determining whether the requested records are exempt from mandatory disclosure

may not be charged when records are not requested for a commercial use. The above information request is of a very limited and highly specific nature, and CAS believes that these records have no commercial value whatsoever. Even if the requested records had some potential commercial value, CAS has no commercial purpose or interest in requesting them. Therefore, NHTSA should fully apply the subsection (a), (c) and (d) allowances to this request.

Should NHTSA deny the waiver of fees, CAS asks that the Agency to obtain authorization from CAS before delivery of any materials. If the agency refuses access to any of the requested records, please describe the materials it wishes to withhold and specify the statutory justifications for the refusal. Also, please state separately NHTSA's reasons for failing to invoke its discretionary powers to release the materials in the public interest.

If you have any questions about the scope of this request, or if you believe there are any ambiguities in the way CAS has framed its request, please let me know as soon as possible.

CAS looks forward to a response within twenty working days, as required under the FOIA, and will interpret any delay in response as a denial of this request. Thank you for your very prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'M Brooks', written in a cursive style.

Michael Brooks  
Staff Attorney

## DI Letter Record

DI No.	Reporting Category	Manufacturer	EWR ID	Reporting Year & Quarter	Sequence IDs	IMMY
D107-044	L	GM		2006/4	88	

Components	Preparer	Assigned DAD	Letter Sent	Response Due	Time Extension	Date Received
	Patrice		5/4/2007	6/8/2007		6/11/2007

Comments:

FedEx trk# 7902 6602 2354

## EWR Record

**Make:** CHEVROLET

**Deaths:** 2

**Model:** COBALT

**Injuries:** 1

**Model Year:** 2005

**VIN:** 1G1AK52F657...

**State/Foreign Country:** WI

**Incident Date:** 10/24/2006

**Sequence ID:** 88

**Reported Components:**

A. Unknown

## DI Letter Record

DI No.	Reporting Category	Manufacturer	EWR ID	Reporting Year/Quarter	Sequence ID
D105-142	L		1	2005/3	137

MIM	Components	Prepared By	Assigned By	Letter Sent	Response Due
		Patrice	BAD	3/1/2006	4/7/2006

Time Extension	Date Received	Comments	Scanned
----------------	---------------	----------	---------

## EWR Record

2005 Q3

**Make:** CHEVROLET

**Deaths:** 1

**Model:** COBALT

**Injuries:** 0

**Model Year:** 2005

**VIN:** 1G1AL12F857...

**State/Foreign Country:** MD

**Incident Date:** 07/29/2005

**Sequence ID:** 137

**Reported Components:**

A. Air Bags