

CENTER FOR AUTO SAFETY

1625 CONNECTICUT AVENUE NW SUITE 330 WASHINGTON DC 20009-5708
202-328-7700 ◆ www.autosafety.org

November 2, 2009

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:

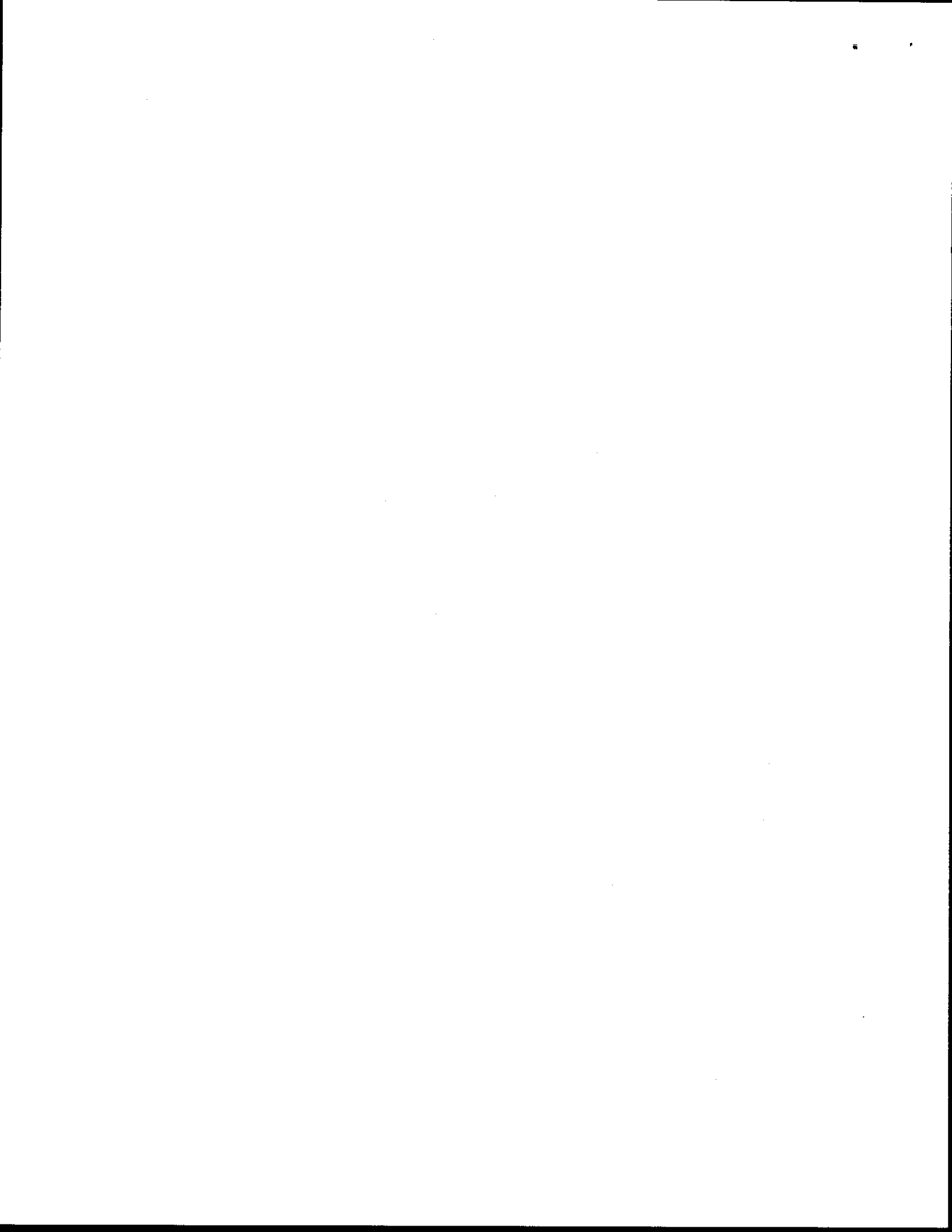
The Center for Auto Safety ("CAS") files this request pursuant to the Freedom of Information Act ("FOIA"). CAS is a nationwide nonprofit consumer advocacy organization established in 1970 by Consumers Union and Ralph Nader. CAS works toward improved safety, environmental responsibility, and fair dealing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

CAS seeks the following information:

- 1) All records listing Death Incident ("DI") investigations and the subject of these investigations, which NHTSA has conducted pursuant to 49 U.S.C. § 30166. This includes both submissions by the manufacturers and/or NHTSA-generated documents in paper or electronic form. See the attached letter for an example of a DI investigation.
- 2) All records describing, and/or listing, any other type of investigation arising out of EWR quarterly reporting by manufacturers, excluding PE's and EA's.

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.

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. See Attachment A. 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.

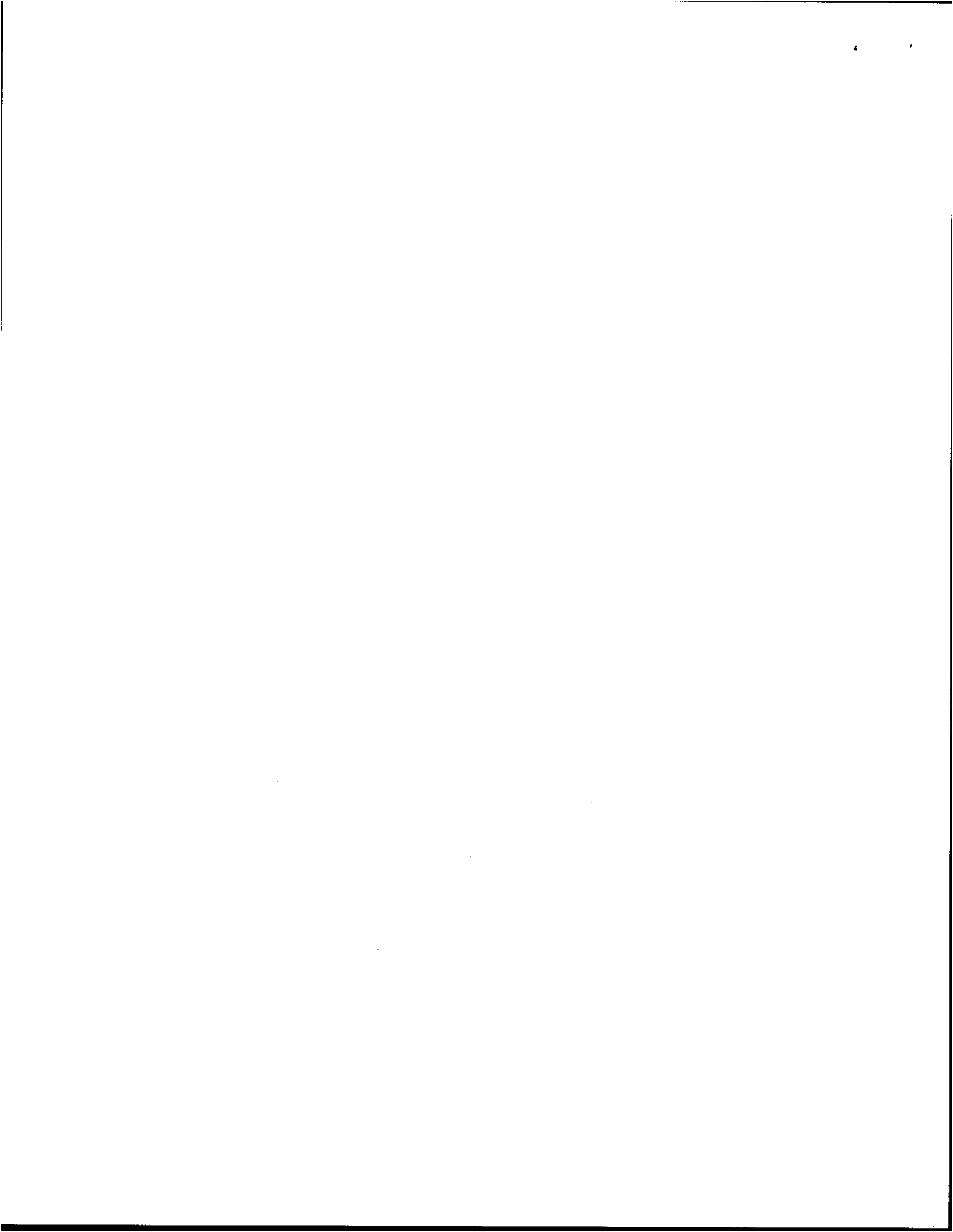
CAS looks forward to a response within twenty working days, as required under the FOIA, and will interpret any delay in response as a denial of this request. Thank you for your very prompt attention to this matter.

Sincerely,



Michael Brooks
Staff Attorney

Attachment(s): 2



CENTER FOR AUTO SAFETY

1825 Connecticut Avenue, NW Suite 330 Washington, DC 20009-1160 (202) 328-7700

Attachment A

MISSION STATEMENT

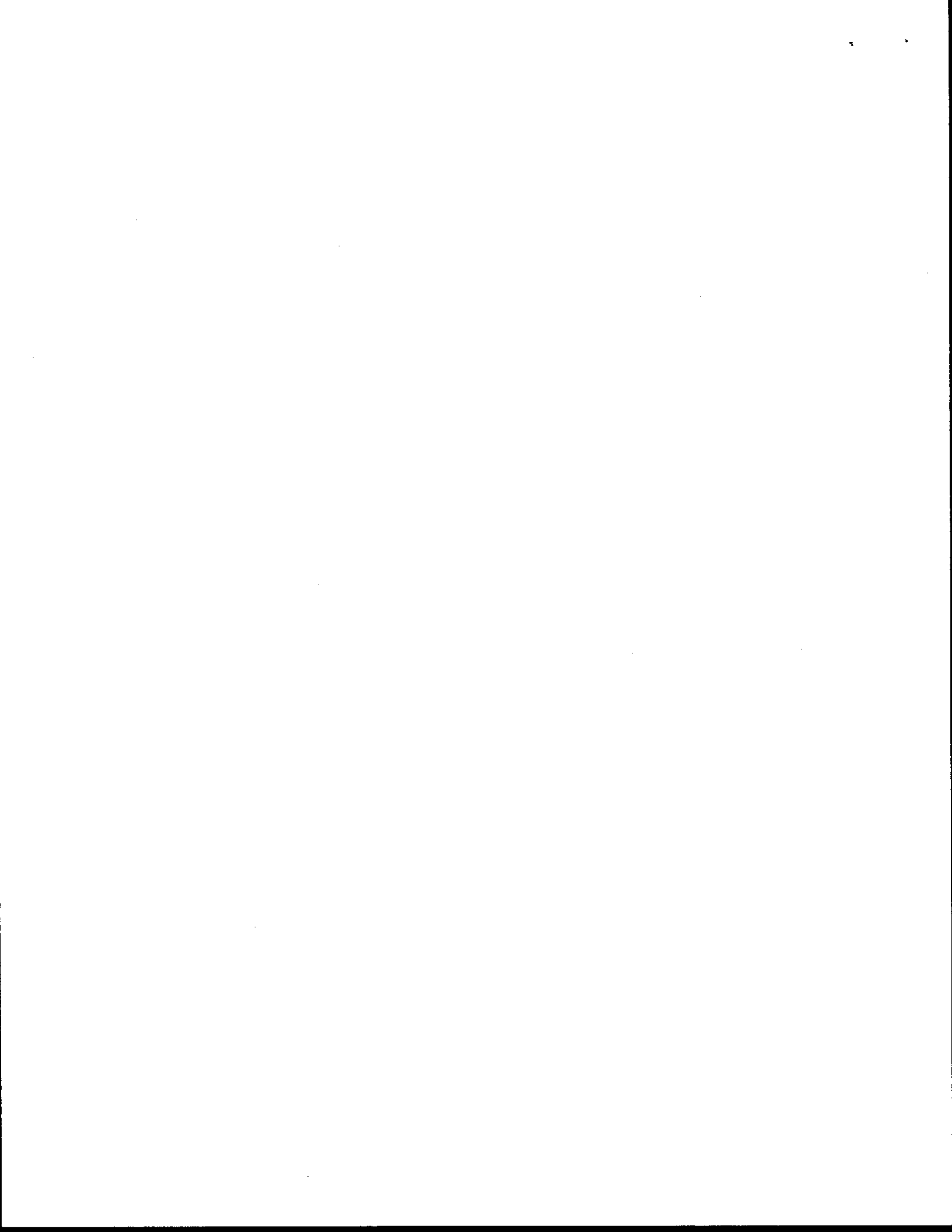
The Center for Auto Safety (CAS) is a nonprofit research and advocacy organization founded by Consumers Union and Ralph Nader in 1970 to provide consumers with a voice for auto safety and quality in Washington, D.C. and to assist owners of "lemon" vehicles to file complaints and obtain relief. Although CAS has a staff of less than a dozen people, its work is supported by approximately 20,000 members across the United States, and it is nationally recognized as a leader in the areas of automobile safety and consumer protection.

CAS vigorously supports economically feasible motor vehicle safety policies that will reduce the risk of crash-related deaths and injuries. CAS serves as an important counterweight before federal policymakers to the automobile industry, whose positions on these safety issues are dictated by the desire to maximize profits for shareholders rather than to strike the proper balance between safety and other vehicle features.

In fulfilling its mission, CAS is engaged in the following activities:

- Researching defects in motor vehicles and monitoring defect investigations conducted by the National Highway Traffic Safety Administration (NHTSA) and other federal agencies;
- Obtaining information on potential vehicle safety defects from consumers, alerting NHTSA to these problems, and requesting that NHTSA undertake investigations;
- Responding with comments to agency rulemaking proposals and other initiatives that affect motor vehicle safety;
- Supporting motor vehicle safety legislation before Congress, including testifying at public hearings and advocating with members of Congress and their staffs;
- Monitoring enforcement of federal vehicle safety laws by NHTSA and other federal agencies;
- Furnishing consumers with free information packets that detail the performance and safety problems of vehicles by make, model, and model year; and
- Providing free information to consumers about state "lemon laws" and automobile manufacturers "secret warranties" (where the auto manufacturer has an internal policy to pay for repairs beyond the limits of the express warranty) to assist consumers with complaints against manufacturers or dealers.

A key pillar of CAS's mission is actively to disseminate the information that CAS gathers to the public so that consumers are better informed about motor vehicle safety issues. CAS regularly distributes a newsletter to its 20,000 members. CAS is also establishing a website that will provide information on a range of motor vehicle safety topics. In addition, because members of CAS's staff are recognized as leading experts on motor vehicle safety, CAS officials regularly appear on television and radio, and they are frequently quoted in the print media. CAS staff members also write op-ed pieces for national and local newspapers. Finally, CAS forms coalitions with some of the nation's leading individual and organizational advocates for motor vehicle safety, and CAS encourages these safety leaders to disseminate the information gathered and produced by CAS to their memberships and contacts. These other organizations, such as Public Citizen and its approximately 100,000 members, Consumers Union, and the Consumer Federation of America, routinely utilize information and analysis provided to them by CAS.





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

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

MAR - 7 2006

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Ray Nevi, Assistant Director
Ford Motor Corporation
330 Town Center Drive
Fairland Plaza South, Suite 500
Dearborn, MI 48126

NVS-217ph
DI06-Explorer

Dear Mr. Nevi,

The Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has received information about certain death incidents reported by Ford Motor Corporation in its light vehicle early warning report for the 3rd quarter of 2003 – 4th quarter 2005. We are writing to request additional information about the following incidents: **(Please see the attached excel spreadsheet for all reporting quarters, years, and Sequence IDs).**

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

Incident: each incident reported in Sequence IDs identified in the attachment.

Claim and Notice: shall have the meanings stated in 49 CFR §579.4(c). Claim and notice also specifically refer to the claim(s) and notice(s) that are the predicate for the early warning report on the incident.

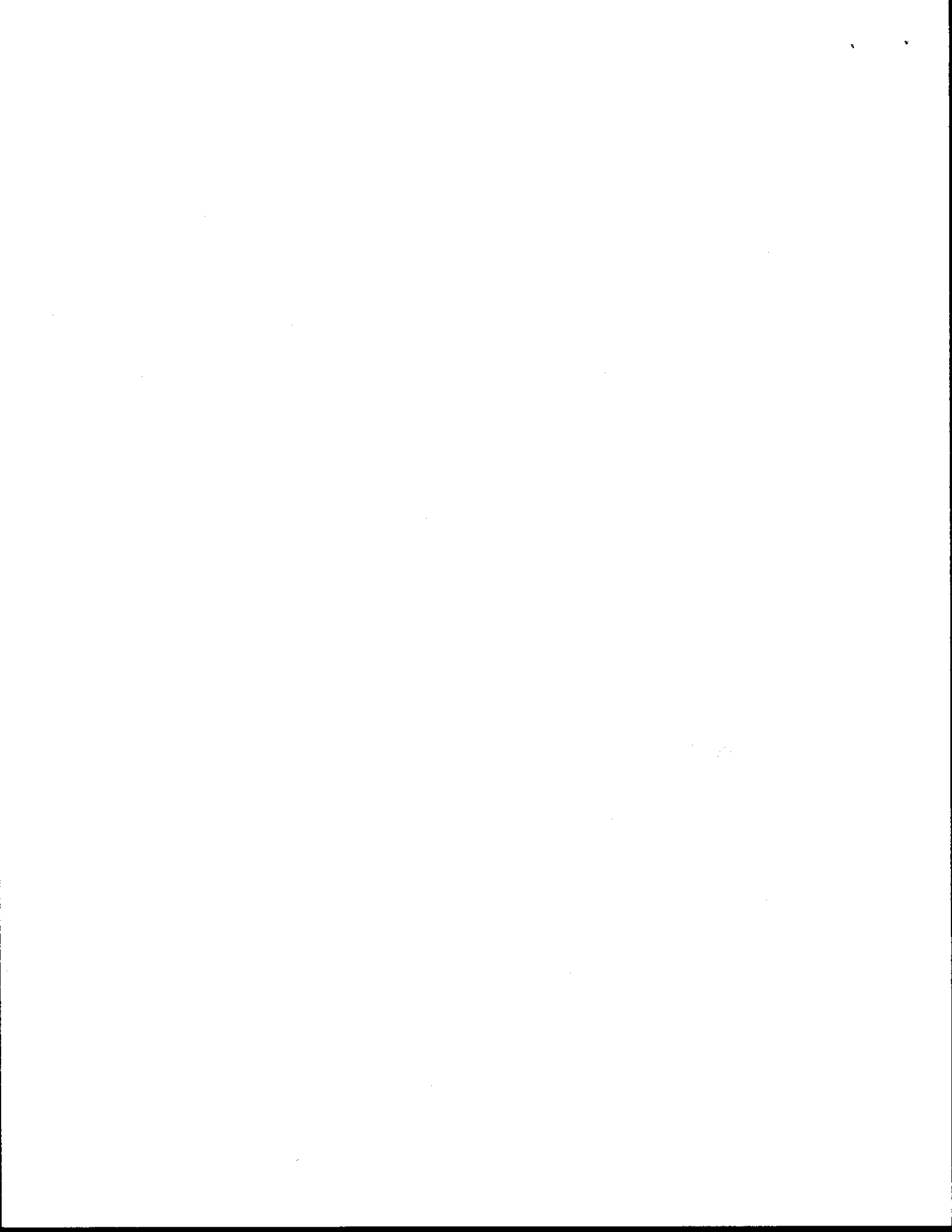
Manufacturer: refers to Ford Motor Corporation.

Vehicle: the vehicle produced by Ford Motor Corporation that is identified in the claim or notice.

Tire: the tire produced by Ford Motor Corporation that is identified in the claim or notice.



VEHICLE SAFETY HOTLINE
888-327-4236



Equipment: the item of motor vehicle equipment produced by Ford Motor Corporation that is identified in the claim or notice.

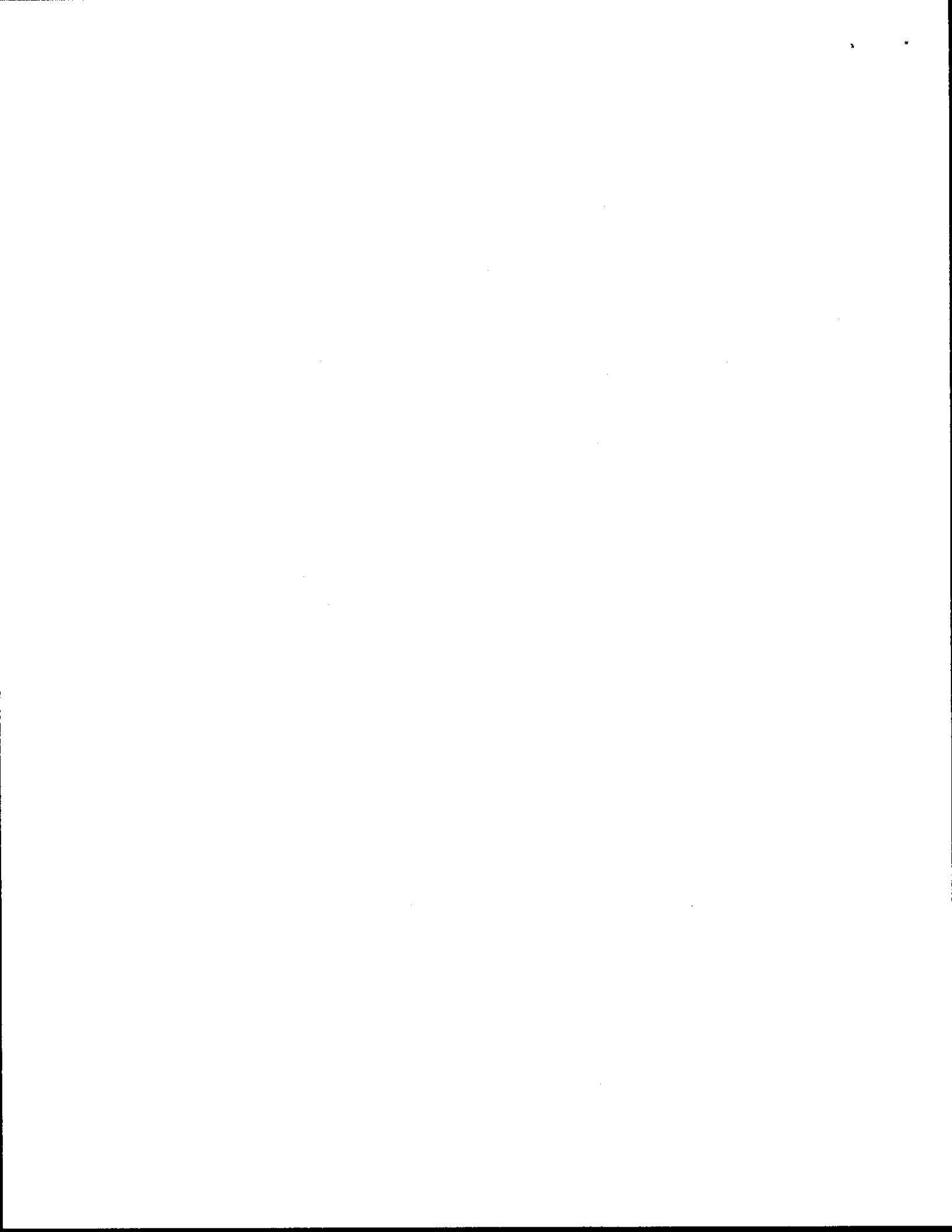
Defect: means any failure, malfunction, lack of durability, or other problem in performance, construction, a component, or material of a motor vehicle or piece of motor vehicle equipment.

Document: "Document(s)" is used in the broadest sense of the word and shall mean all written, typed, graphic and photographic matter whatsoever, be it in original, copy or electronic form. Any photograph originally produced in color must be provided in color. Furnish all documents whether verified by Ford Motor Corporation or not. If a document is not in the English language, provide both the original document and an English translation of the document. Document(s) includes all documents in Ford Motor Corporation's custody and/or control.

Please provide numbered responses to the following inquiries, repeating the applicable request verbatim before each response. After Ford Motor Corporation's response to each request, identify the source of the information and indicate the last date the information was gathered. When documents are produced, the documents shall be produced in an identified, organized manner that corresponds to each pertinent information request. A separate response must be provided for each incident. Each response, document or attachment must be clearly identified with the incident Sequence ID (SeqID) number.

1. Provide a complete copy of the claim or notice document(s) that notified Ford Motor Corporation of the incident, including any amendments and supplements thereto, excluding: (a) medical documents and bills, except those showing the cause of death or injury; (b) property damage invoices or estimates; and (c) documents related to damages.
2. Provide a copy of all documents, photographs, videos, received from the claimant(s) or claimant's representative that identify and/or support or purport to support any allegation of a defect in the vehicle, regardless of whether Ford Motor Corporation disputes the assertions therein and excluding: (a) medical documents and bills, except those showing the cause of death or injury; (b) property damage invoices and estimates; and (c) documents related to quantification of damages.
3. Provide a copy of all investigative documents prepared by any local, state, or Federal governmental agency or personnel related to the incident, including but not limited to photographs, Police Accident Reports, or cause and origin reports.
4. At your option, provide Ford Motor Corporation's assessment of the circumstances that led to the incident including Ford Motor Corporation's analysis of the claim and/or notice regarding allegations of a defect.

This letter is being sent to Ford Motor Corporation pursuant to 49 U.S.C. § 30166, which authorizes NHTSA to conduct any investigation that may be necessary to enforce Chapter 301 of Title 49 and to request reports and the production of things. It constitutes a new request for information. Ford Motor Corporation's failure to respond promptly and fully to this letter



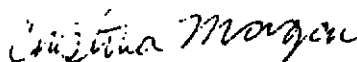
could subject Ford Motor Corporation to civil penalties pursuant to 49 U.S.C. § 30165 or lead to an action for injunctive relief pursuant to 49 U.S.C. § 30163. (Other remedies and sanctions are available as well.) Section 5(a) of the TREAD Act, codified at 49 U.S.C. § 30165(b), provides for civil penalties of up to \$5,000 per day, with a maximum of \$16,050,000 for a related series of violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. See 49 CFR 578.6 (as amended by 69 Fed. Reg. 57864 (Sept. 28, 2004)). This includes failing to respond to ODI information requests.

If Ford Motor Corporation claims that any of the information or documents provided in response to this information request constitute confidential commercial material within the meaning of 5 U.S.C. § 552(b) (4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, Ford Motor Corporation must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512, as amended (69 Fed. Reg. 21409 et seq; April 21, 2004), to the Office of Chief Counsel (NCC-110), National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, S.W., Washington, D.C. 20590.

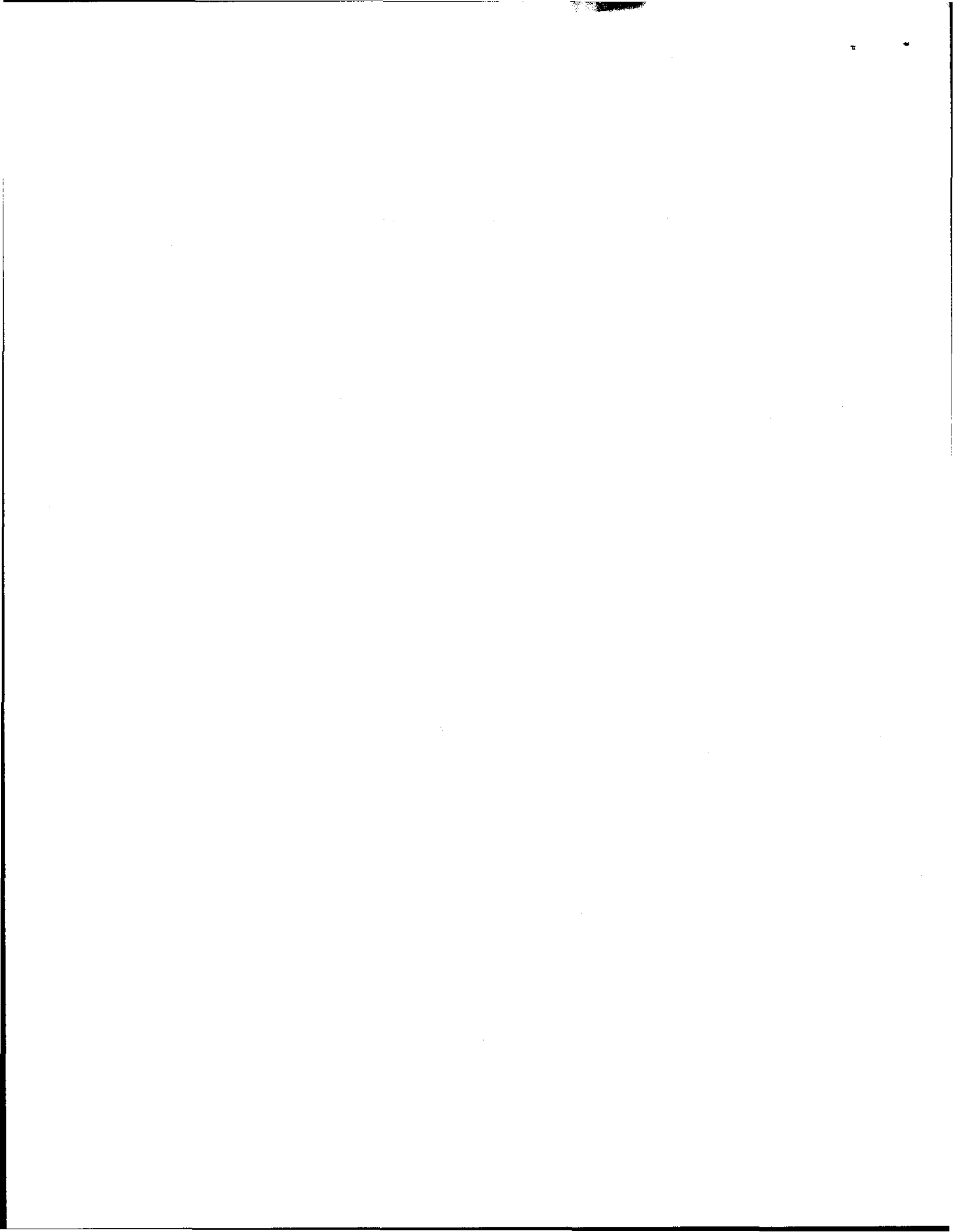
Your response to this letter, together with a copy of any confidentiality request, must be submitted to this office by March 17, 2006. Please include in your response the identification codes referenced on page one of this letter. If you are unable to provide all of the information requested within the time allotted, you must request an extension from me at (202) 366-4238, no later than five business days before the response due date. If all of the information requested by the original deadline is unavailable, you must submit a partial response by the original deadline with whatever information then is available, even if an extension is granted.

If you have any technical questions concerning this matter, please contact Mr. Leo Yon at (202) 366-7028 or by fax at (202) 366-7882.

Sincerely,



Christina Morgan, Chief
Early Warning Division
Office of Defects Investigation
Enforcement



YearQ	Sequence IDs
2005Q4	49, 51, 56, 57, 58, 62, 63, 64, 68, 69, 71, 77, 79, 80, 81, 82, 100
2005Q3	67,69, 71, 73, 75, 76, 79, 80, 84, 85, 86, 90, 92, 93, 98, 101, 121, 131, 135
2005Q2	96, 99, 106, 107, 109, 112, 115, 123, 130, 131, 178, 179, 443
2005Q1	139, 141, 142, 144, 149, 151, 153, 154, 158, 159, 184, 211
2004Q4	100, 102, 107, 109, 118, 119, 120, 121, 122, 124, 134, 135, 137, 142, 144, 151, 152, 153, 177, 178, 182, 208
2004Q3	119, 123, 124, 126, 130, 131, 132, 134, 135, 142, 144, 145, 146, 147, 148, 152, 153, 155, 156, 162, 163, 164, 166, 174, 178, 182, 184, 194, 198, 200, 224, 225, 242, 255, 262, 266
2004Q2	134, 135, 137, 139, 141, 148, 149, 150, 159, 160, 162, 163, 164, 165, 169, 171, 172, 191, 232, 539, 540
2004Q1	89, 101, 102, 109, 111, 120, 123, 126, 127, 128, 129, 130, 138, 139, 140, 141, 143, 144, 159, 163, 181, 183, 214
2003Q4	92, 93, 94, 95, 102, 105, 106, 115, 116, 117, 121, 124, 127, 128, 130, 132, 133, 134, 141, 148, 149, 156, 192, 193, 198, 444
2003Q3	131, 133, 143, 145, 146, 152, 155, 156, 158, 161, 162, 164, 165, 166, 167, 171, 174, 175, 176, 177, 184, 187, 190, 191, 192, 193, 194, 195, 196, 197, 207, 210, 215, 226, 227, 230, 238, 239, 265, 267, 276, 279, 290, 294, 670, 680

