



U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

APR 15 2010

1200 New Jersey Avenue SE.
Washington, DC 20590

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Michael Brooks
Center for Auto Safety
1825 Connecticut Avenue, NW, Suite 330
Washington, DC 20009-5708

RE: Freedom of Information Act (FOIA) Request, 5 U.S.C. 552

Dear Mr. Brooks:

This responds to your FOIA request dated February 12, 2010, in which you narrowed your November 2, 2009 request for the following:

- 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.

In your FOIA request dated February 12, 2010, you narrowed your request for the above to:

[O]nly the listing or indices of Death Incident or Death Inquiry actions, as well as a list of other investigations arising out of EWR quarterly reporting. This would eliminate the great bulk of the records arising out of our request (manufacturer and NHTSA-generated documents).

To clarify your February 12 request, Christina Morgan, our Chief of the Early Warning Division, spoke with you by telephone on April 1, 2010.

On April 14, 2010, in our telephone conversation on your November 2, 2009 request, as narrowed by your February 12, 2010 request, you agreed to pay \$164.00 for responsive records. The enclosed CD-ROM contains copies of these responsive records.

Pursuant to the provisions of 49 CFR Part 7, this fee is based on a total of two hours of search time (which excludes two hours of search time that CAS is entitled to at no charge), at \$82.00 per hour for a search conducted at the GS-15 level. Please send your check for \$164.00 made payable to the Treasurer of the United States, to:



**Attn: Sherry Hoffman
DOT/FAA/MMAC
6500 S. MacArthur Blvd.
HQ Room 181 (AMZ-300)
Oklahoma City, OK 73169**

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To ensure proper credit, please write on the face of your check:

FOIA, ES Invoice/Request #ES10-001102

Payment of this fee is due not later than 30 days from the date of this letter. If your remittance is not received within 30 days, administrative charges, interest and penalties for late payment will be added to the fee.

I am the person responsible for this decision. If you wish to appeal this decision you may do so by writing to the Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE, West Building, W41-227, Washington, DC 20590. An appeal must be submitted within 30 days after you receive this determination. It should contain any information and argument upon which you rely. The decision of the Chief Counsel will be administratively final.

Sincerely,



Stanley Feldman
Associate Chief Counsel

Enclosure