

CENTER FOR AUTO SAFETY

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202-328-7700 ◆ www.autosafety.org

July 19, 2012

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 relating to Initial Evaluations (IEs) conducted by the Office of Defects Investigation regarding Mazda Tribute and/or Ford Escape speed control or accelerator cable failures since December 2004.

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,

A handwritten signature in black ink, appearing to read "MRB", written in a cursive style.

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.