
CENTER FOR AUTO SAFETY

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March 4, 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.

DI05-063
DI05-082
DI06-038
DI07-015
DI07-044
DI07-064
DI10-036

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.

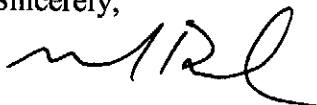
49 C.F.R. § 7.44(a) and (c) provide that a fee is not to be charged for the first two hours of search time or the duplication of the first 100 pages, "unless the records are requested for commercial use." In addition, 49 C.F.R. § 7.44(d) states that review fees for determining whether the requested records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

Michael Brooks
Staff Attorney

QUARTER	SEQUENCE_ID	DI ID #	MAKE	MODEL	MY	VIN	INCIDENT_DATE	DEATHS	INJURIES	STATE	COMPONENT_A	COMPONENT_B
2004 Q1	578	No DI Sent	SATURN	ION	2004	1G8AJ52F54Z...	12/23/2003	1	0	CT	Air Bags	
2004 Q4	655	DI05-063	SATURN	ION	2004	1G8AJ52F14Z...	11/15/2004	1	1	TX	Air Bags	
2005 Q2	640	DI05-082	SATURN	ION	2004	1G8AG52F24Z...	3/24/2005	2	2	TX	Steering	Service Brake
2005 Q3	577	No DI Sent	SATURN	ION	2004	1G8AJ52F24Z...	6/10/2005	1	1	MS	Suspension	
2006 Q2	522	DI06-038	SATURN	ION	2004	1G8AF52F94Z...	7/4/2004	1	2	CA	Air Bags	
2006 Q3	518	DI07-015	SATURN	ION	2007	1G8AJ55F07Z...	9/9/2006	1	0	WV	Service Brake	Air Bags
2006 Q3	515	DI07-015	SATURN	ION	2005	1G8AJ52F85Z...	8/3/2006	1	0	VA	Air Bags	Seat Belts
2006 Q4	439	DI07-044	SATURN	ION	2006	1G8AJ55F96Z...	12/18/2005	1	0	NM	Air Bags	
2006 Q4	436	DI07-044	SATURN	ION	2004	1G8AJ52F14Z...	11/15/2004	1	0	TX	Air Bags	
2007 Q1	463	DI07-064	SATURN	ION	2006	1G8AJ55F06Z...	3/1/2007	1	0	MS	Electrical	
2009 Q1	495	No DI Sent	SATURN	ION	2007	1G8AJ55F77Z...	1/29/2009	1	0	TX	Air Bags	Fire Related
2009 Q1	489	No DI Sent	SATURN	ION	2004	1G8AJ52F94Z...	2/4/2009	1	0	MO	Air Bags	
2009 Q4	499	DI10-036	SATURN	ION	2007	1G8AJ55F27Z...	9/4/2009	1	1	VA	Air Bags	