

MAR 2 2006

The Honorable Gordon H. Smith
United States Senate
Washington, DC 20510

NVS-216 aae
Ref. No. 10149770

Dear Senator Smith:

Thank you for your correspondence dated December 19, 2005, on behalf of your constituent, [REDACTED]. [REDACTED] wrote concerning his model year (MY) 2005 Acura RL. Your correspondence was received on February 3, 2006. [REDACTED]'s letter of November 28, 2005, (Ref. No. 10148698, copy enclosed) was received by the National Highway Traffic Safety Administration's (NHTSA) Office of Defects Investigation on January 23, 2006. That office responded to that letter on February 16, 2006 (copy enclosed).

NHTSA is the Federal agency responsible for improving safety on our Nation's highways. We are authorized to order manufacturers to recall and repair vehicles or items of motor vehicle equipment when our investigations indicate that they contain serious safety defects in their design, construction, or performance. In order for the agency to initiate an investigation, we look carefully at the body of consumer complaints and other available data to determine whether a defect may exist. We cannot act on isolated problems or resolve disputes between individual owners, dealers, or manufacturers.

We appreciate this and the previous correspondence [REDACTED] provided. Reports from motorists are a very important source of information for us. Each report is analyzed and entered into a database to help us determine whether an investigation into a possible safety defect is warranted.

A recent review of our database revealed several reports from consumers concerning brake noise similar to that reported by [REDACTED]. Our review of this issue, including Acura's service bulletin No. 05-021, again indicates that the concern is strictly a noise issue. We have no reports of loss of vehicle control due to this problem. Under these circumstances, there is insufficient evidence to warrant opening a safety defect investigation. The information provided has been entered into our database. It will be considered along with future reports to identify any safety defect trends that may require the initiation of a safety defect investigation.

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The agency has no reports of battery drain due to a problem with the radio. Furthermore, the "Code Entry" message on the screen not allowing the radio to work does not represent a safety defect within the meaning our statute because this would lead to a "no start" condition and not a stall condition; therefore, this does not fall under our jurisdiction. The Federal Trade Commission (FTC) has jurisdiction over non-safety defects, paint, fraud or deception, warranty and dealership problems, remuneration matters, and fair trade practices. There are three ways Dr. McIntyre can contact the FTC: by toll free telephone at 1-877-FTC-HELP (1-877-382-4357); by mail at Federal Trade Commission, CRC-240, Washington, DC 20580; and by using the Internet complaint form at <http://www.ftc.gov/ftc/complaint.htm>.

I hope this information is helpful. If you have any questions, please have your staff contact me or Mr. Ronald L. Medford, Senior Associate Administrator for Vehicle Safety, at (202) 366-1810.

Sincerely yours,

Original Signed By

Michael W. Harrington
Director of External Affairs

Enclosures

NHTSA: NVS-210: Congressional Response
NVS-216: aalonso ext: 6-6903
NHTSA Control No. ES06-000674
ODI Control No. 10149770
Draft: 2/9/06 aae
Revised: 2/17/06 aae, 2/22/06 aae, 2/27/06 aae
Final: mec 2/28/06, 3/1/06 aae
cc:
NEC-110, NIA-110, NVS-010, I-10, I-20,
NVS-200, NVS-216
Subject/Chron/Optical Disk/CRD
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