



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

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

SEP 23 2004

BY FAX AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Jeffery J. Wawrzyniak
Legal Counsel
Dana Corporation
Commercial Vehicle Systems Division
P.O. Box 4097
Kalamazoo, Michigan 49003-4097

NSA-14sjm
PE04-062a

Dear Mr. Wawrzyniak:

On September 15, 2004, the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) opened a Preliminary Evaluation (PE04-062) to investigate reported incidents of "Alleged Tie Rod Tube Failure" in school buses manufactured by Thomas Built Buses Inc. (Thomas) and equipped with axles manufactured by Dana.

The ODI investigation was initiated based on two complaints from separate school bus entities alleging that while their drivers while maneuvering in a parking lot the tie rod tube fractured and disconnected from one of the tie rods. Since opening this investigation, ODI has become aware of 12 other allegations of fractured tie rod tubes.

Reportedly, Dana supplies the axle assembly, fully assembled, to Thomas, the final stage vehicle manufacturer, for installation into the bus. ODI is concerned that the alleged failure results in the loss of alignment and controllability of the steering axle wheels and could compromise the drivers ability to maintain full control of the school bus.

Since this issue could pose safety consequences, this letter requests information from your company that is intended to assist the Agency in its investigation by providing information about your company's experience regarding the suspension and steering components sold to Thomas and installed on the model years 2000-2002 MVP school bus.

NHTSA requests that all data files submitted should be identified as "NHTSA File PE04-062a" and that the data requested in table format be submitted in Excel format and that responses in text format be submitted in the Word format.

Unless otherwise stated in the text, the following definitions apply to this information request:



DOT AUTO SAFETY HOTLINE
888-DASH-2-DOT
888-327-4286

- **Subject vehicle:** all model year 2000 through 2002 school buses manufactured by Thomas Built, Incorporated, sold or leased in the United States, equipped with a Dana front axle and produced with a tie-rod tube assembly furnished by TRW Automotive.
- **Alleged Defect:** any failure, malfunction or otherwise unsatisfactory performance of a tie-rod tube assembly on a subject vehicle which contributes to or results in a loss or reduction of steering control.
- **Dana Corporation (Dana):** Dana Corporation, all of its past and present officers and employees, whether assigned to its principal offices or to any of its field or other locations, including all of its divisions, subsidiaries (whether or not incorporated) and affiliated enterprises including, but not limited to, Dana Corporation and all of their headquarters, regional, zone, and other offices and their employees, and all agents, contractors, consultants, attorneys and law firms and other persons engaged by or under the control of Dana Corporation (including all business units and persons previously referred to) who are or were involved in any way with any of the following related to the alleged defect in the subject brake systems:
 - (a) design, analysis, modification, or production;
 - (b) testing, assessment, or evaluation;
 - (c) consideration or recognition of potential or actual defects, reporting, record-keeping and information management (e.g., complaints, field reports, warranty information, part sales) analysis, claims, or lawsuits;
 - (d) communications with motor vehicle manufacturers; or
 - (e) communication to or from zone representatives, fleets, dealers, or other field locations, including but not limited to people who have the capacity to obtain information from dealers.
- **Document(s):** is used in the broadest sense of the word and shall mean all original written, printed, typed, recorded, or graphic matter whatsoever, however produced or reproduced, of every kind, nature, and description, and all non-identical copies of both sides thereof, including, but not limited to, papers, letters, memoranda, correspondence, communications, electronic mail (e-mail) messages (existing in hard copy and/or in electronic storage), faxes, telegrams, cables, telex messages, notes, annotations, working papers, drafts, minutes, records, audio and video recordings, data, databases, other information bases, summaries, charts, tables, graphics, other visual displays, photographs, statements, interviews, opinions, reports, newspaper articles, studies, analyses, evaluations, interpretations, contracts, agreements, jottings, agendas, bulletins, notices, announcements, instructions, blueprints, drawings, as built, changes, manuals, publications, work schedules, journals, statistical data, desk, portable and computer calendars, appointment books, diaries, travel reports, lists, tabulations, computer printouts, data processing program libraries, data processing

inputs and outputs, microfilms, microfiches, statements for services, resolutions, financial statements, governmental records, business records, personnel records, work orders, pleadings, discovery in any form, affidavits, motions, responses to discovery, all transcripts, administrative filings and all mechanical, magnetic, photographic and electronic records or recordings of any kind, including any storage media associated with computers, including, but not limited to, information on hard drives, floppy disks, backup tapes, and zip drives, and shall include any drafts or revisions pertaining to any of the foregoing, all other things similar to any of the foregoing, however denominated by you, any other data compilations from which information can be obtained, translated if necessary, into a usable form and any other documents. For purposes of this request, any document which contains any note, comment, addition, deletion, insertion, annotation, or otherwise comprises a non-identical copy of another document shall be treated as a separate document subject to production. In all cases where original and any non-identical copies are not available, "document" also means any identical copies of the original and all non-identical copies thereof. If a document is not in the English language, provide both the original document and an English translation of the document.

- **Other Terms:** To the extent that they are used in these information requests, the terms "claim," "consumer complaint," "dealer field report," "field report," "fire," "fleet," "good will," "make," "model," "model year," "notice," "property damage," "property damage claim," "rollover," "type," "warranty," "warranty adjustment," and "warranty claim," whether used in singular or in plural form, have the same meaning as found in 49 CFR 579.4.

In order for my staff to evaluate the alleged defect, certain information is required. Pursuant to 49 U.S.C. § 30166, please provide numbered responses to the following information requests. Please repeat each request verbatim before the response. After the response to each request, identify the source of the information and indicate the last date the source updated the information prior to the preparation of the response. When documents are produced, the documents shall be produced in an identified, organized manner that corresponds with the Information Request letter (including the subparts). When documents are produced and the documents would not, standing alone, be self-explanatory, the production of documents shall be supplemented and accompanied by explanation.

1. By year, month, week, build date and gross axle rating, please provide a table that lists the number of axles by Part number or axle designation, sold to Thomas Built Buses for installation in the subject vehicles.

Provide the information in table format using Microsoft Excel, or a compatible format, entitled "REQUEST NUMBER ONE – VEHICLE PRODUCTION INFORMATION."

2. Describe the significant similarities and differences between each of the front axles or axle ratings identified in response to Request No. 1. The comparison should include, but not be limited to a description of the application usage or steering/suspension characteristics, design, component suppliers, material composition, construction, configuration, and/or design capacity (or expected loading).

Provide the information in table format using Microsoft Excel, or a compatible format, entitled "REQUEST NUMBER TWO – DESCRIPTION OF GROSS AXLE RATING."

3. State the number of each of the following and provide a copy of each report received by Dana, or of which Dana is otherwise aware, which relate to, or may relate to, the alleged defect in the subject vehicles:
 - a) Consumer complaints, including those from fleet operators;
 - b) Field reports, including dealer field reports;
 - c) Reports involving a crash, injury, or fatality, based on claims against the manufacturer involving a death or injury, notices received by the manufacturer alleging or proving that a death or injury was caused by a possible defect in a subject vehicle, property damage claims, consumer complaints, or field reports;
 - d) Property damage claims;
 - e) Third-party arbitration proceedings where Thomas is or was a party to the arbitration; and,
 - f) Lawsuits, both pending and closed, in which Thomas is or was a defendant or codefendant.

For subparts "a" through "d," state the total number of each item (e.g., consumer complaints, field reports, etc.) separately. Multiple incidents involving the same vehicle are to be counted separately. Multiple reports of the same incident are also to be counted separately (i.e., a consumer complaint and a field report involving the same incident in which a crash occurred are to be counted as a crash report, a field report and a consumer complaint).

In addition, for items "a" through "d," provide a summary description of the alleged problem, causal and contributing factors, and Thomas's assessment of the problem, with a summary of the significant underlying facts and evidence.

For items "e" and "f," identify the parties to the action, as well as the caption, court, docket number, and date on which the complaint or other document initiating the action was filed.

Provide the table in Microsoft Excel, or a compatible format, entitled "COMPLAINT INFORMATION."

4. Separately, for each item (complaint, report, claim, notice, or matter) identified in response to Request No. 5 above, state the following information:
 - a) Dana's file number or other identifier used;
 - b) The category of the item, as identified in Request No.5 (i.e., consumer complaint, field report, etc.);
 - c) Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
 - d) Vehicle's VIN, serial number, or other identifier;
 - e) Vehicle's make, model and model year;
 - f) Axles Gross rating and serial number;
 - g) "In-Service" date;
 - h) Chassis built date;
 - i) Vehicle's mileage at time of incident;
 - j) Incident date;
 - k) Report or claim date;
 - l) Brief summary surrounding the incident;
 - m) Whether a crash is alleged;
 - n) Whether property damage is alleged;
 - o) Number of alleged injuries, if any; and
 - p) Number of alleged fatalities, if any.

5. State, by axle rating and model year, a total count for all of the following categories of claims, collectively, that have been paid by Dana or Thomas to date that relate to, or may relate to, the alleged defect in the subject vehicles: warranty claims; extended warranty claims; claims for good will services that were provided; field, zone, or similar adjustments and reimbursements; and warranty claims or repairs made in accordance with a procedure specified in a technical service bulletin or customer satisfaction campaign. Provide a copy of each such claim.

Separately, for each such claim, state the following information:

- a) Dana's claim number;
- b) Vehicle owner or fleet name (and fleet contact person) and telephone number;
- c) VIN;
- d) Model, model year;
- e) Axle rating
- f) Incident date;
- g) Provide a brief summary of the incident;
- h) Repair date;
- i) Vehicle mileage at time of repair;
- j) Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
- k) Labor operation number;
- l) Problem code;
- m) Replacement part number(s);
- n) Concern stated by customer; and

- o) Comment, if any, by dealer/technician relating to claim and/or repair;
- p) Description of the repairs conducted.

Provide the table in Microsoft Excel, or a compatible format, entitled "WARRANTY INFORMATION."

5. Describe in detail the search criteria used by Dana to identify the claims furnished in response to Request No. 7, including the labor operations, problem codes, part numbers and any other pertinent parameters used. Provide a list of all labor operations, labor operation descriptions, problem codes, and problem code descriptions applicable to the alleged defect in the subject vehicles.

State whether denied warranty claims have been included in the response to Request No. 7. If Dana did not include denied warranty claims in Response to Request No. 7, provide the warranty request information listed in Request No. 7 for each denied warranty claim.

7. Provide an engineering drawing for each axle (by gross axle rating) supplied to Thomas that depicts the steering assembly and components (complete with the nomenclature of each item).
8. For each claim known by Dana, provide a second copy of the engineering drawing furnished in response to Request No. 7 that is "marked-up" to indicate the location, direction and size of identified fractures and cracks. Where possible, indicate the initiation point and brief description of the size, location, and direction of each crack and fracture identified.

Describe the basis that Dana used to identify the location of each crack and fracture identified above (e.g. based on Dana's inspection of the vehicle, based on a dealer or independent service center's inspection of the vehicle, based on the photographs supplied by ODI, based on experience with similar vehicles, etc.)

9. Describe all modifications or changes made by, or on behalf of, Dana, Thomas, or any other person or entity in the design, manufacture, quality control, supply, or installation of the steering components from the start of production to date, relate to, or may relate to, the tie-rod tube cracking in the subject vehicles.

For each such modification or change, provide the following information:

- a) The date or approximate date on which the modification or change was incorporated into vehicle production;
- b) A detailed description of the modification or change;
- c) The reason(s) for the modification or change;
- d) the vehicles and/or family of axles affected by each modification and/or change listed.
- e) The part numbers (service and engineering) of the original component;
- f) The part number (service and engineering) of the modified component;

- g) Whether the original unmodified component was withdrawn from production and/or sale, and if so, when;
- h) When the modified component was made available as a service component; and,
- i) Whether the modified component can be interchanged with earlier production components.

Also, provide the above information for any modification or change that Dana is aware of which may be incorporated into vehicle production within the next 120 days.

10. Produce copies of all and/or documents that relate to, or may relate to, the alleged defect in the subject vehicles, that Dana has issued, or is aware of, to any dealers, regional or zone offices, field offices, fleet purchasers, or other entities. This includes, but is not limited to, bulletins, advisories, informational documents, training documents, or other documents or communications, with the exception of standard shop manuals. Also, include the latest draft copy of any communication that Dana is planning to issue within the next 120 days.
11. Provide a detailed chronology of all events regarding the subject defect starting from the time Dana first became aware of this issue to present. Describe how Dana became aware of the alleged defect and state the date on which Dana first became aware of the possibility of the alleged defect. Include all information including dates of both internal and extend meetings, to include meetings with fleets, manufacturers, TRW, Thomas, or any others involved in this issue and discuss the resolution, planned action, and/or the manner in which Dana plans to address this issue. Also separately and in chronological order, provide a copy of any/all documents and presentation material that was used during these meeting whether Dana generated the document or the document was generated by others.
12. Provide a copy of any and all documents and elucidate on any communications (related to the alleged defect) that have occurred between Dana, Thomas, and/or TRW, as well as communications with any other company with which Dana was involved pertaining to this matter.
13. Describe and provide a copy of all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, field inspections, inquiries and/or evaluations (collectively, "actions") that relate to, or may relate to, the alleged defect in the subject vehicles/axles that have been conducted, are being conducted, are planned, or are being planned by, or for, Dana, Thomas or TRW. For each such action, provide the following information:
 - a. action title or identifier;
 - b. the actual or planned start date;
 - c. the actual or expected end date;
 - d. brief summary of the subject and objective of the action;
 - e. engineering group(s)/supplier(s) responsible for designing and for conducting the action; and,
 - f. a brief summary of the findings and/or conclusions resulting from the action.

For each action identified, provide copies of all documents related to the action, regardless of whether the documents are in interim, draft, or final form. Organize the documents chronologically by action date.

14. Furnish Dana's detailed opinion of the alleged defect in the subject vehicles. Include an assessment of the following:

- (a) the causal or contributing factors;
- (b) the failure mode;
- (c) the risk to motor vehicle safety that it poses;
- (d) what warnings, if any, are provided the operator and other persons;
- (e) what action does Dana intend to take on this issue.

This letter is being sent to Dana 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 require a manufacturer to make reports to enable NHTSA to decide whether the manufacturer is complying with that Chapter. Your failure to respond promptly and fully to this letter could subject Dana 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). Please note that maximum civil penalties under 49 U.S.C. § 30165 have increased as a result of the enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, Public Law No. 106-414 (signed November 1, 2000). 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 \$15 million for a related series of violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. This includes failing to respond to ODI information requests.

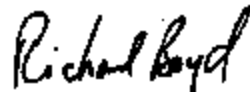
If Dana cannot respond to any specific request or subpart thereof, please state the reason why it is unable to do so. If, on the basis of attorney client, attorney work product, or other privilege, Dana does not submit one or more requested documents or items of information in response to this information request, Dana must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, name and position of the person(s) from and the person(s) to whom it was sent, and the name and position of any other recipient (to include all carbon copies or blind carbon copies), the nature of that information or material, and the basis for the claim of privilege and why that privilege applies.

Your response to this letter, in duplicate, must be submitted to this office by **October 20, 2004**. Please include in your response the identification codes referenced on page one of this letter. If you find that you are unable to provide all of the information requested within the time allotted, you must request an extension from Richard Boyd at (202) 366-4933 no later than five business days before the response due date. If you are unable to provide all of the information requested by the original deadline, you must submit a partial response by the original deadline with whatever information you then have available, even if you have received an extension.

If Dana 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, Dana must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512, to the Office of Chief Counsel (NCC-30), National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, S.W., Washington, D.C. 20590. Dana is required to submit two copies of the documents containing the purportedly confidential information (except only one copy of blueprints) and one copy of the documents from which information claimed to be confidential has been deleted.

Please contact Sonny Murianka of my staff at (202) 366-5196 upon receipt of this letter. Mr. Murianka will address any technical questions concerning this matter that you may have.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard Boyd".

Richard Boyd, Chief
Medium and Heavy Truck Division
Office of Defects Investigation