



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

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

MAY 14 2004

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Christopher H. Grigorian  
Arent Fox PLLC, Attorneys at Law  
1050 Connecticut Ave. N.W.  
Washington, D.C. 20036-5339

NVS-214  
PE04-016

Dear Mr. Grigorian:

This letter formalizes the agreement previously outlined by the undersigned on May 3, 2004 pertaining to Jayco Inc.'s requested extension for information that ODI requested relative to PE04-016 that addresses unintended loosening or separation of wheels at highway speeds in towable fifth wheel and travel trailers manufactured by Jayco, Inc.

The following clarifies ODI's statements to you regarding the conditions whereby ODI would grant the requested "30-day" extension (from April 30, 2004 to May 30, 2004). (Note that May 30, 2004 is not a business day and June 1, 2004 is the acceptable equivalent.)

The requested extension pertains to information that ODI had requested from Jayco, Inc. on March 9, 2004. The requested information was to include a summary of past field incidents and was due by April 30, 2004. ODI last received incident information from Jayco, Inc. on December 10, 2003, during the preliminary phase of this investigation. Absent updated incident information, ODI is concerned that additional incidents may have occurred and/or may be occurring on an ongoing basis. At the time of Jayco Inc's request for extension, ODI stated that it would not be appropriate to extend the deadline by 30 days (to May 30, 2004) without a clearer understanding of the ongoing risk presented by the "wheel separation" issue.

Consistent with this position, ODI requested and now again requests that Jayco, Inc. provide a list of "fresh" incidents (with incident details) that have been REPORTED since December 10, 2003. This request is NOT LIMITED to incidents that have OCCURRED within the 30-day period of the requested extension (which would consist of only incidents occurring in May, 2004) as stated in your recent e-mail summary.

Further, this request is ongoing and remains in effect until further notice. ODI requests prompt notification of any new incidents. Timeliness is critical in notifying ODI since there is a high likelihood that ODI would send a team to inspect the affected vehicle and would like to do so before repairs are performed, parts are lost or re-used, etc. Therefore, ODI requests that Jayco,



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888-DASH-2-DOT  
888-327-4238

Inc. provide the requested notification within one business day of the company becoming aware of the incidents. Requested incident details, at a minimum, include:

1. Owner's name, address, phone number;
2. Date of incident
3. Location of incident
4. Current location of trailer
5. VIN number of trailer
6. Description of incident
7. Trailer's current location

This letter is being sent to Jayco, Inc. 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 request reports and the production of things. It constitutes a new request for information. Jayco Inc.'s failure to respond promptly and fully to this letter could subject Jayco, Inc. 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 recent 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 Jayco, Inc. cannot respond to any specific request or subpart(s) 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, Jayco, Inc. does not submit one or more requested documents or items of information in response to this information request, Jayco, Inc. must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, the 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.

Jayco Inc.'s response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office within 1 working day of the company becoming aware of a wheel separation or loosening incident. The response may be by telephone, e-mail or by fax, but it must be timely. Please refer to **PE04-016** in each Jayco Inc.'s response to this letter.

If Jayco, Inc. 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, Jayco, Inc. must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512, as amended (68 Fed. Reg. 44209 et seq; July 28, 2003), to the Office of Chief Counsel (NCC-113), National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, S.W., Washington, D.C. 20590. Jayco, Inc. is

required to submit two copies of the documents containing allegedly confidential information (except only one copy of blueprints) and one copy of the documents from which information claimed to be confidential has been deleted.

If you have any technical questions concerning this matter, please call Mr. Tom Bowman of my staff at (202) 366-6961.

Sincerely,



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

