



**GENERAL MOTORS NORTH AMERICA**  
**Structure & Safety Integration**

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 NVS-210

August 31, 2004

2004 SEP -2 P 12:38

OFFICE OF DEFECTS  
 INVESTIGATION

Thomas Z. Cooper, Chief  
 Vehicle Integrity Division  
 Office of Defects Investigation  
 NHTSA Safety Assurance  
 Room #5326  
 400 Seventh Street, S.W.  
 Washington, D.C. 20590

GM-662

NVS-212MBS  
 RQ04-008

Dear Mr. Cooper:

This letter is General Motors (GM) response to your information request (IR), dated July 14, 2004, regarding allegations of windshield wiper failures in certain model year 1997 and 1998 Chevrolet Malibu and Oldsmobile Cutless vehicles manufactured by General Motors Corporation and sold or leased in the United States.

General Motors decided on February 23, 2001 to conduct a safety recall in 28 states that receive moderate to heavy snowfall. The decision was based on GM's finding that the windshield wiper failures were occurring as a result of a restriction in the movement of the passenger side wiper, most often caused by a buildup of snow or ice under the wiper. The 28 states included in the recall aligned well with states where there were substantial rates of warranty repairs and/or parts sales.

The documents provided in GM's earlier response to NHTSA regarding the alleged defect are not provided with this response.

Your questions and our corresponding replies are as follows:

1. State, by model and model year, the number of subject vehicles GM has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by GM, state the following:
  - a. Vehicle identification number (VIN);
  - b. Make;
  - c. Model;
  - d. Model Year;
  - e. Date of manufacture;
  - f. Date warranty coverage commenced; and
  - g. The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease).

Provide the table in Microsoft Access 2000, or a compatible format, entitled "PRODUCTION DATA."

Table 1A below provides a summary of the number of subject vehicles produced for sale or lease in the United States by model and model year.



PRODUCTION DATA SUMMARY BY MODEL AND MODEL YEAR

	Model Year				Total
	1997	Early 1998*	Late 1998**	Total 1998	
Oldsmobile Cutlass	18,112	24,922	27,762	52,684	70,796
Chevrolet Malibu	100,195	112,537	116,365	228,902	329,097
Total	118,307	137,459	144,127	281,586	399,893

TABLE 1A

\* Early 1998 - Start of Production to January 1998

\*\* Late 1998 - January 1998 to end of 1998 model year production

Table 1B provides a breakdown, by model year, of the number of vehicles shipped to recall and non-recall states as identified in GM Recall 01014 (NHTSA 01V-088).

PRODUCTION DATA SUMMARY BY RECALL REGION AND MODEL YEAR

	Model Year		Total
	1997	Early 1998*	
28 Recall States	59,097	80,733	139,830
Non-Recall States	59,210	55,050	114,260
Total	118,307	137,459	255,766

TABLE 1B

\* Vehicles built in January 1998 and later were built with the production fix

The specific production information requested in 1a-1h is provided in Attachment 1 CD, folder labeled "Response for Q1"; refer to the Microsoft Access 2000 file. The GM database that contains Vehicle Identification Number (VIN) information does not include information on the state where an individual vehicle was sold. GM is providing the state where the vehicle was shipped in response to request 1g. For some of the subject vehicles, the GM warranty system does not contain a warranty start date or state where the vehicle was shipped and therefore these fields are blank.

2. State the number of each of the following, received by GM, or of which GM 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; and
  - e. Third-party arbitration proceedings where GM is or was a party to the arbitration; and
  - f. Lawsuits, both pending and closed, in which GM 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 "c" through "d", provide a summary description of the alleged problem and causal and contributing factors and GM's assessment of the problem, with a summary of the significant underlying facts and evidence. For item "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.

GM has conducted three separate searches for field reports that may relate to the subject condition. The first two were conducted in May and November of 2000 and were provided in response to PE00-009 and EA00-019, respectively. A total of 98 field complaints were provided with these responses. Ten of these reports were from non-recall states. One of the reports alleged a vehicle crash and property damage, but there were no alleged injuries. This report came from Ohio, a recall state.

A third search was conducted this past month in response to this inquiry. Table 2A summarizes the additional reports GM has received from non-recall states since its response to EA00-019.

REPORT SUMMARY NON-RECALL STATES - GM662 (RQ04-006)

TYPE OF REPORT	COUNT (INCLUDING DUPLICATES)	GM REPORTS	GM REPORTS CORRESPONDING TO NHTSA REPORTS	LOCATION OF REPORTS (ATTACHMENT)	NUMBER OF PROPERTY DAMAGE REPORTS	NUMBER OF CRASH INCIDENT REPORTS	NUMBER OF REPORTED INJURIES*	FIRES
Owner Reports	83	83	0	2A	0	0	0	0
Field Reports and Technical Assistance System Reports	0	0	0	N/A	0	0	0	0
Not-in-Suit Claims	0	0	0	N/A	0	0	0	0
Subrogation Claims	0	0	0	N/A	0	0	0	0
Third Party Arbitration Proceedings	0	0	0	N/A	0	0	0	0
Product Liability Lawsuits	0	0	0	N/A	0	0	0	0
Total (Including Duplicates)	83	83	0	N/A	0	0	0	0
Total (Excluding Duplicates)	83	83	0	N/A	0	0	0	0

TABLE 2A

Table 2B summarizes all additional reports GM has received since responding to EA00-019 (recall and non-recall states).

REPORT SUMMARY ALL SUBJECT VEHICLES – GM662 (RQ04-008)

TYPE OF REPORT	COUNT (INCLUDING DUPLICATES)	GM REPORTS	GM REPORTS CORRESPONDING TO NHTSA REPORTS	LOCATION OF REPORTS (ATTACHMENT)	NUMBER OF PROPERTY DAMAGE REPORTS	NUMBER OF CRASH INCIDENT REPORTS	NUMBER OF REPORTED INJURIES*	FREES
Owner Reports	580	580	0	2A	0	1	0	0
Field Reports and Technical Assistance System Reports	0	0	0	2B	0	0	2	0
Not-In-Suit Claims	1	1	0	2C	0	0	1	0
Subrogation Claims	0	0	0	N/A	0	0	0	0
Third Party Arbitration Proceedings	0	0	0	N/A	0	0	0	0
Product Liability Litigation	0	0	0	N/A	0	0	0	0
Total (Including Duplicates)	587	587	0	N/A	0	1	3	0
Total (Excluding Duplicates)	584	584	0	N/A	0	1	2	0

TABLE 2B

\* Alleged injuries are minor and stem from a single incident

In total, GM is aware of two reports alleging vehicle crashes that may relate to the subject condition. One report, which was provided in GM's previous response to PE00-009, occurred in Ohio and the driver reported striking a curb on the roadside while attempting to pull off the road after the wipers quit working. No injuries were reported and the vehicle sustained minor damage to the rocker panel. A second report of a vehicle crash occurred in the state of New York and is being provided with this response. The customer reported that the windshield wipers quit working while driving in the snow and alleged damage to the suspension on his vehicle. Based solely on the accounts provided by the drivers, the reduced visibility that resulted from the cessation of the wipers may have been a factor in the subsequent crash. In addition, the probable cause for the wiper failures on both vehicles is consistent with GM's previous assessment of the subject condition. Both incidents occurred in states with heavy snowfall that were part of GM's Safety Recall 01014.

A total of two reports of injury that may relate to the subject condition have been found. Both injuries stem from a single incident in which the customer reported there was a loud noise as she turned on the wipers that caused damage to her eardrums and minor injuries to her husband as he tried to exit the vehicle. No reports of hospital admission or treatment were available from the hospital, making it impossible to assess the validity of the alleged injuries and/or the causal or contributory factors.

The sources of the requested information and the last date the searches were conducted are tabulated in Table 2C below.

DATA SOURCES

SOURCE SYSTEM	LAST DATE GATHERED
Corporate Central File	July 28, 2004
Customer Assistance Center (CAC)	August 3, 2004
Technical Assistance Center (TAC)	August 3, 2004
Field Information Network Database (FIND)	July 27, 2004
Problem Resolution Tracking System (PRTS)	July 28, 2004
Company Vehicle Evaluation Program (CVEP)	July 27, 2004
Captured Test Fleet (CTF)	July 27, 2004
Early Quality Feedback (EQF)	July 27, 2004
Field Product Report Database (FPRD)	July 27, 2004
Legal / Employee Self Insured Services (ESIS)	July 27, 2004
Lawpack	July 27, 2004

TABLE 2C

3. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 2, state the following information:
  - a. GM's file number or other identifier used;
  - b. The category of the item, as identified in Request No. 2 (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;
  - e. Vehicle's make, model and model year;
  - f. Vehicle's mileage at time of incident;
  - g. Incident date;
  - h. Report or claim date;
  - i. Whether a crash is alleged;
  - j. Whether property damage is alleged;
  - k. Number of alleged injuries, if any; and
  - l. Number of alleged fatalities, if any.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "REQUEST NUMBER TWO DATA."

The requested information for 3 a-l for the additional reports identified in this response is provided in Attachment 1 CD; folder labeled "Response for Q3" (refer to the Microsoft Access 2000 file). Similar information for the reports included in GM's previous responses to PE00-009 and EA00-019 can be found in the attachments provided with those responses.

4. Produce copies of all documents related to each item within the scope of Request No. 2. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and describe the method GM used for organizing the documents.

Copies of the records summarized in Table 2 are provided in Attachment 1 CD; folder labeled "Response for Q3," refer to Microsoft Access 2000 file. GM has organized the records by the GM file number within each attachment.

5. State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by GM 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.

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

- a. GM's claim number;
- b. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
- c. VIN;
- d. Repair date;
- e. Vehicle mileage at time of repair;
- f. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
- g. Labor operation number;
- h. Problem code;
- i. Replacement part number(s) and description(s);
- j. Concern stated by customer; and
- k. Comment, if any, by dealer/technician relating to the claim and/or repair.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "WARRANTY DATA."

The regular and extended warranty claims that may be responsive to this request are provided in Attachment 1 CD; folder labeled "Response for Q5," refer to Microsoft Access 2000 file. The search criteria used to gather the latest warranty information for this request is consistent with that used on the two previous inquiries and not all of the warranty claims included on the CD relate to the alleged defect. Approximately 75.2 percent of the total regular warranty claims (10,848/14,433) are for the replacement of the subject component (wiper transmission). Claims involving other components (e.g. wiper motor) are included because they may relate to repairs on vehicles with the subject condition, however their replacement was not necessary to correct a problem with the wiper transmission.

The number of warranty claims that may relate to the subject condition in the non-recall states is significantly less than that in the recall states. Of the 13,215 regular warranty claims reported for MY 1997 and early MY1998, 2,314 (17.5%) are from non-recall states. Of the 1,302 extended warranty claims for which there is delivery state information, 266 (20.4%) are from non-recall states.

Table 5A below summarizes the number of regular warranty claims for the subject vehicles by model and model year.

**REGULAR WARRANTY CLAIM SUMMARY**

Model	Model Year			Total 1998	Total
	1997	Early 1998	Late 1998		
Oldsmobile Cutlass	874	803	133	938	1,810
Chevrolet Malibu	8,245	5,293	1,087	6,360	12,605
Total	7,119	6,096	1,200	7,286	14,415

**TABLE 5A**

Table 5B below summarizes the number of extended warranty claims for the subject vehicles by model and model year.

**EXTENDED WARRANTY CLAIM SUMMARY**

Model	Model Year			Total 1998	Total
	1997	Early 1998	Late 1998		
Oldsmobile Cutlass	67	72	6	78	145
Chevrolet Malibu	642	530	49	579	1,221
Total	709	602	55	657	1,368

**TABLE 5B**

Table 5C below summarizes all of the recall warranty claims for the subject vehicles by model and model year. Some of the claims included in the figures provided below were for vehicles sold in non-recall states, as explained further in response to question 11, where a discussion of GM's regional recall policy as it relates to the subject vehicles is provided.

**SAFETY RECALL 01014 CLAIM SUMMARY**

Model	Model Year			Total 1998	Total
	1997	Early 1998	Late 1998		
Oldsmobile Cutlass	6,300	8,184	0	9,184	15,484
Chevrolet Malibu	30,891	33,254	1	33,255	64,146
Total	37,191	42,438	1	42,439	79,630

**TABLE 5C**

GM searched the GM North America Claim Adjustment Retrieval Database (CARD-regular warranty), the Motors Insurance Corporation (MIC-extended warranty), and the Universal Warranty Corporation (UWC-extended warranty) databases to collect the warranty data for this response. The warranty data was last gathered the week of July 26, 2004.

The information requested in 5b is not being provided, as GM's warranty database does not contain the vehicle owner's name or telephone number. Relative to 5i and 5j, some of the

replacement part numbers, part descriptions, and customer concern code descriptions are not included in the GM warranty database. GM is providing a field labeled "Verbatim Text" in response to request 5k (dealer/technician comment). The verbatim text is an optional field in the GM warranty system for the dealer to enter any additional comments that may be applicable to the warranty claim. Dealers are not required to complete the verbatim text field for every warranty claim.

The MIC extended warranty system does not contain the following information: repairing dealer code, vehicle owner information, trouble code, trouble code description, part number, part description or verbatim. The UWC extended warranty system does not use the GM labor code or labor code description and it does not contain the repairing dealer code, trouble code or trouble code description.

The warranty data provided has limited analytical value in analyzing the field performance of a motor vehicle component. The warranty records do not contain sufficient information to establish the condition of the part at the time of the warranty correction; and service personnel may not consistently use the appropriate labor and trouble codes. Warranty records represent claims by our dealers for reimbursement for parts and labor costs incurred in performing warranty service for our customers.

6. Describe in detail the search criteria used by GM to identify the claims identified in response to Request No. 5, 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, by make and model year, the terms of the new vehicle warranty coverage offered by GM on the subject vehicles (i.e., the number of months and mileage for which coverage is provided and the vehicle systems that are covered). Describe any extended warranty coverage option(s) that GM offered for the subject vehicles and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty.

The GM regular warranty data was collected by searching GM CARD for the same labor codes that may relate to the subject condition that were used in GM's previous responses to PE00-009 and EA00-019. A list of the labor codes used in this search is provided below in Table 6A. To be consistent with earlier GM responses, no additional filtering was performed using trouble codes.

LABOR CODES USED FOR REGULAR WARRANTY CLAIMS SEARCH

LABOR CODE	DESCRIPTION
N3610	MOTOR, WINDSHIELD WIPER-R&R
N3620	MOTOR, WINDSHIELD WIPER-REPACE
N3640	TRANSMISSION ASM, RIGHT W/S WPR-RPL
N3641	TRANSMISSION ASM, LEFT W/S WPR-REPL
N3647	TRANSMISSION ASM, BOTH W/S WPR-REPL
N3648	TRANSMISSION ASSY, W/SHLD-COMP-REPL

TABLE 6A

The MIC and UWC extended warranty data was collected using a search of the labor codes listed in Tables 6B and 6C. The MIC and UWC extended warranty databases do not contain trouble codes.



**LABOR CODES USED FOR MIC EXTENDED WARRANTY CLAIMS SEARCH**

LABOR CODE	DESCRIPTION
N3510	Wiper motor, R & R
N3520	Wiper motor, Replace
N3540	Transmission, Right Wiper-Replace
N3541	Transmission, Left Wiper-Replace
N3547	Transmission Assembly, Both Wiper Replace
N3548	Transmission Assembly, Wiper Replace

TABLE 59

**LABOR CODES USED FOR UWC EXTENDED WARRANTY CLAIMS SEARCH**

LABOR CODE	DESCRIPTION
07065	Electrical - Window Wiper Mtr F&R

TABLE 60

Lastly, the recall warranty data was collected using a search of the labor codes listed in Tables 59. These labor codes were set up to facilitate the administration of GM Safety Campaign 01014.

**LABOR CODES USED FOR RECALL WARRANTY CLAIMS SEARCH**

LABOR CODE	DESCRIPTION
V0684	REPLACE TRANSMISSION - WSW
V0685	CUSTOMER REIMBURSEMENT

TABLE 60

All models and model years of the subject vehicles are covered by a bumper-to-bumper new vehicle warranty for three years or 36,000 miles, whichever occurs first. In addition, many different extended warranty options are available through GM dealerships. They are offered at different prices and for varying lengths of time, based on the customer's preference, up to 7 years from the date of purchase or up to a total of 100,000 vehicle miles. The General Motor's warranty system does not contain information on the number of vehicles that have extended warranty coverage.

7. Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject vehicles, that GM has issued 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 GM is planning to issue within the next 120 days.

Copies of the communications that GM issued to the field are provided in Attachment 1 CD; folder labeled "Response for Q7," refer to Adobe Acrobat pdf file. All of the information relates specifically to GM's Product Safety Campaign 01014.

This information was last gathered on August 5, 2004.

8. Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, "actions") that relate to, or may relate to, the alleged defect in the subject vehicles that have been conducted, are being conducted, are planned, or are being planned by, or for, GM. For each such action, provide the following information:
- Action title or identifier;
  - The actual or planned start date;
  - The actual or expected end date;
  - Brief summary of the subject and objective of the action;
  - Engineering group(s)/supplier(s) responsible for designing and for conducting the action; and
  - 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.

In GM's response to PE00-008, documentation relating to the collective actions taken to that point in time was provided in Attachment H. This information included problem-solving reports, supplier testing to duplicate the concern, warranty analysis and reports, design studies, and validation plans for the material change that was made.

In February of 2001 GM completed a Field Performance Evaluation (FPE) investigation that led to a decision to recall certain vehicles on February 23, 2001. GM decided to recall vehicles in regions with heavy snowfall, based on the knowledge at that time that warranty IPTV rates through thirty-six (36) months in service were approaching 300 IPTV for vehicles built prior to the production fix. In addition, these regions accounted for more than 84% of all the wiper system warranty claims for the subject vehicles.

GM is providing copies of the FPE report and other related material along with a request for confidential treatment to the Office of Chief Counsel in Attachment 2 CD GM Confidential; folder labeled "Response for Q8," refer to Adobe Acrobat pdf file. General Motors requests that this information, which has been stamped "Confidential Information," be afforded confidential treatment by NHTSA.

This information was last gathered as of July 26, 2004.

9. Describe all modifications or changes made by, or on behalf of, GM in the design, material composition, manufacture, quality control, supply, or installation of the subject component, from the start of production to date, which relate to, or may relate to, the alleged defect in the subject vehicles. For each such modification or change, provide the following information:
- The date or approximate date on which the modification or change was incorporated into vehicle production;
  - A detailed description of the modification or change;
  - The reason(s) for the modification or change;
  - The part numbers (service and engineering) of the original component;
  - The part number (service and engineering) of the modified component;
  - Whether the original unmodified component was withdrawn from production and/or sale, and if so, when;

- g. When the modified component was made available as a service component; and
- h. Whether the modified component can be interchanged with earlier production components.

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

At the end of December 1997, GM released into production a stronger material for the wiper transmission housing. GM believes that this change, which was authorized under a GM Engineering Work Order (EWO) DP271, adequately addressed the alleged defect. The information requested in a-h for this change, as well as all other changes to the wiper system on the subject vehicles, was provided in GM's response to PE00-009. No additional changes were found.

This information was last gathered on August 2, 2004.

10. State the number of each of the following that GM has sold that may be used in the subject vehicles by component name, part number (both service and engineering/production), model and model year of the vehicle in which it is used and month/year of:
- a. Subject component; and
  - b. Any kits that have been released, or developed, by GM for use in service repairs to the subject component/assembly.

For each component part number, provide the supplier's name, address, and appropriate point of contact (name, title, and telephone number) Also identify by make, model and model year, any other vehicles of which GM is aware that contain the identical component, whether installed in production or in service, and state the applicable dates of production or service usage.

A summary table of the requested service part information for the subject component is provided in Attachment 1 CD; folder labeled "Response for Q10," refer to Microsoft Excel file. The data was last gathered on August 2, 2004.

These sales numbers represent sales to dealers in the US and Canada. This data has limited analytical value in analyzing the field performance of a motor vehicle component because the records do not contain sufficient information to establish the reason for the part sale. It is not possible from this data to determine the number of these parts that have been installed in the subject vehicles or the number remaining in dealer or replacement part supplier inventory.

This table contains service part numbers, part description, part usage information, part sales figures by month and calendar year and the supplier's name and address, contact name and phone number.

11. Furnish GM's assessment of the alleged defect in the subject vehicles, including:
- a. The causal or contributory factor(s);
  - b. The failure mechanism(s);
  - c. The failure mode(s);
  - d. The risk to motor vehicle safety that it poses;
  - e. What warnings, if any, the operator and the other persons both inside and outside the vehicle would have that the alleged defect was occurring or subject component was malfunctioning; and
  - f. The reports included with this inquiry.

GM has determined that for the subject vehicles, when only the passenger side wiper blade is restricted over a specific range of its movement, the pivot housing may crack. The crack may then propagate through repeated use of the wipers until a complete fracture of the wiper transmission pivot housing occurs, rendering the entire wiper system inoperative. Testing has shown that the length of time required for the crack to propagate will vary, based on the location of the restriction, the length of time the wipers are operated with the restriction, and the amount of use. Wiper durability testing has shown that without the presence of a restriction, the pivot housing will not fail. Reference testing information provided in Attachment 2 CD GM Confidential, folder labeled "Response for Q11." General Motors requests that this information, which has been stamped "Confidential information," be afforded confidential treatment by NHTSA.

In some cases, looseness in the wiper arms may develop as a result of a crack that is propagating in the wiper transmission housing and a person inside or outside the vehicle may take notice.

NHTSA has provided a total of seventeen (17) Vehicle Owner's Questionnaires with this request. It is difficult to assess the relevance of these reports to the subject condition without reviewing the parts that were repaired or replaced. Based on the customer information provided, eleven (11) of the seventeen VOQs may relate to the subject condition. The remaining six (6) do not (NHTSA Reference No.'s 886128, 10050527, 10038007, 10029133, 10011891, and 887736).

Given the maturity of the field data, the alleged condition in the subject vehicle population does not pose an unreasonable risk to motor vehicle safety because:

- Snow and ice accumulation that restricts the passenger side wiper is the predominant cause of wiper transmission housing failures and is most likely to occur in the states involved in the recall.
- The overall frequency of occurrence is low. Of the 582 total reports that may relate to the subject condition, 92 (13.5%) of the field complaints are from non-recall states. This yields an IPTV rate of 0.8 (92/114,280 vehicles) for the non-recalled states.
- There are no reports of accident or injury in a non-recall state. The two reports of accident, along with the two unconfirmed injury reports, are all from recall states.

Any vehicle that was excluded from the regional safety recall because it was not registered in a recall state can receive the recall remedy, if it falls within the VIN breakpoints identified in the recall bulletin, is otherwise identical in description to vehicles included in the recall, and it shows evidence of the same condition that is the subject of the recall. The section of the General Motors Service Policy and Procedures that deals with these situations is included in Attachment 1 CD; folder labeled "Response for Q11," refer to Adobe Acrobat pdf file.

Among the warranty claims included in GM's response to question 5, there are 1,262 recall warranty claims that GM honored for vehicles in non-recalled states that met the criteria described above. Customers who have questions about this policy and how it applies to their vehicle are encouraged to call the Chevrolet or Oldsmobile Customer Assistance Center.

\* \* \*

GM claims that certain information, in documents that are part of lawsuit and claims files maintained by the GM Legal Staff, is attorney work product and/or privileged. That information includes notes, memos, reports, photographs, and evaluations by attorneys (and by consultants,

claims analysts, investigators, and engineers working at the request of attorneys). GM is producing responsive documents from claims files that are neither attorney work product nor privileged and withholding those that are attorney work product and/or privileged.

This response is based on searches of General Motors Corporation (GM) locations where documents determined to be responsive to your request would ordinarily be found. As a result, the scope of this search did not include, nor could it reasonably include, \* all of its divisions, subsidiaries (whether or not incorporated) and affiliated enterprises 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 directly or indirectly (e.g., employee of a consultant) by or under the control of GM (including all business units and persons previously referred to), who are or, in or after 1993, were involved in any way with any of the following related to the alleged defect in the subject vehicles:

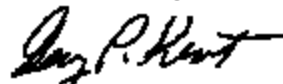
- a. "Design, engineering, analysis, modification or production (e.g. quality control);
- b. "Testing, assessment or evaluation;
- c. "Consideration, or recognition of potential or actual defects, reporting, record-keeping and information management. (e.g., complaints, field reports, warranty information, part sales), analysis, claims, or lawsuits; or
- d. "Communication to, from or intended for zone representatives, fleets, dealers, or other field locations, including but not limited to people who have the capacity to obtain information from dealers."

This response was compiled and prepared by this office upon review of the documents produced by various GM locations, and does not include documents generated or received at those GM locations subsequent to their searches.

Certain financial data has been redacted from documents provided in response to question number 8. Redactions are indicated by an asterisk (\*).

Please contact me if you require further information about this response or the nature or scope of our searches.

Sincerely,



Gay P. Kent  
Director

Product Investigations

Attachments



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

JUL 14 2004

GM-662

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

*Wayne Kauffman*

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Gay P. Kent, Director  
Product Investigations, Structure and Safety Integration  
General Motors Corporation  
Mail Code 480-106-304  
30500 Mound Road  
Warren, MI 48090-9055

NVS-212MBS  
RQ94-006

Dear Ms. Kent:

This letter is to inform you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has opened a Recall Query (RQ04-006) to investigate allegations of windshield wiper failures in 1997-1998 Chevrolet Malibu and Oldsmobile Cutlass vehicles manufactured by General Motors Corporation (GM), and to request certain information.

This office has received 16 reports alleging the windshield wipers failed while in use on the above noted vehicles in states that were not included in GM's recall (01014) of these vehicles for windshield wiper pivot housing cracking. Most of the reports indicate that the "pivot housing" or "linkage" needed to be replaced to repair the vehicle. A copy of each of the reports and GM's March 1, 2001 Defect Report is enclosed for your information.

Unless otherwise stated in the text, the following definitions apply to these information requests:

- **Subject vehicles:** all 1997-1998 Chevrolet Malibu and Oldsmobile Cutlass manufactured for sale or lease in the United States.
- **Subject component:** all windshield wiper pivot housing manufactured for the subject vehicles.
- **GM:** General Motors Corporation, all of its past and present officers and employees, whether assigned to its principal offices or any of its field or other locations, including all of its divisions, subsidiaries (whether or not incorporated) and affiliated enterprises 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 directly or indirectly (e.g., employee of a consultant) by or under the control of GM (including all business units and persons previously referred to), who are or, in or after



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1993, were involved in any way with any of the following related to the alleged defect in the subject vehicles:

- a. Design, engineering, analysis, modification or production (e.g. quality control);
- 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; or
- d. Communication to, from or intended for zone representatives, fleets, dealers, or other field locations, including but not limited to people who have the capacity to obtain information from dealers.

- **Alleged defect:** any failure, degradation, or otherwise unsatisfactory performance of the windshield wiper pivot, pivot housing, or any related components, that cause the windshield wipers to become inoperative.
- **Document:** "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, mailgrams, 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-builts, 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, electronic communications, including but not limited to, the Internet 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 GM, 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(s)" also means any identical copies of the original and all non-identical copies thereof. Any document, record, graph, chart, film or photograph originally produced in color must be provided in color. Furnish all documents whether verified by GM or not.

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. Insofar as GM has previously provided a document to ODI, GM may produce it again or identify the document, the document submission to ODI in which it was included and the precise location in that submission where the document is located. When documents are produced, the documents shall be produced in an identified, organized manner that corresponds with the organization of this information request letter (including all individual requests and 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.

Please repeat the applicable request verbatim above each response. After GM's response to each request, identify the source of the information and indicate the last date the information was gathered.

1. State, by model and model year, the number of subject vehicles GM has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by GM, state the following:
  - a. Vehicle identification number (VIN);
  - b. Make;
  - c. Model;
  - d. Model Year;
  - e. Date of manufacture;
  - f. Date warranty coverage commenced; and
  - g. The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease).

Provide the table in Microsoft Access 2000, or a compatible format, entitled "PRODUCTION DATA."

2. State the number of each of the following, received by GM, or of which GM 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; and
- e. Third-party arbitration proceedings where GM is or was a party to the arbitration; and
- f. Lawsuits, both pending and closed, in which GM 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 "c" through "d", provide a summary description of the alleged problem and causal and contributing factors and GM's assessment of the problem, with a summary of the significant underlying facts and evidence. For item "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.

3. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 2, state the following information:
  - a. GM's file number or other identifier used;
  - b. The category of the item, as identified in Request No. 2 (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;
  - e. Vehicle's make, model and model year;
  - f. Vehicle's mileage at time of incident;
  - g. Incident date;
  - h. Report or claim date;
  - i. Whether a crash is alleged;
  - j. Whether property damage is alleged;
  - k. Number of alleged injuries, if any; and
  - l. Number of alleged fatalities, if any.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "REQUEST NUMBER TWO DATA."

4. Produce copies of all documents related to each item within the scope of Request No. 2. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and describe the method GM used for organizing the documents.
5. State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by GM 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.

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

- a. GM's claim number;
- b. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
- c. VIN;
- d. Repair date;
- e. Vehicle mileage at time of repair;
- f. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
- g. Labor operation number;
- h. Problem code;
- i. Replacement part number(s) and description(s);
- j. Concern stated by customer; and
- k. Comment, if any, by dealer/technician relating to the claim and/or repair.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "WARRANTY DATA."

6. Describe in detail the search criteria used by GM to identify the claims identified in response to Request No. 5, 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, by make and model year, the terms of the new vehicle warranty coverage offered by GM on the subject vehicles (i.e., the number of months and mileage for which coverage is provided and the vehicle systems that are covered). Describe any extended warranty coverage option(s) that GM offered for the subject vehicles and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty.
7. Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject vehicles, that GM has issued 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 GM is planning to issue within the next 120 days.
8. Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, "actions") that relate to, or may relate to, the alleged defect in the subject vehicles that have been conducted, are being conducted, are planned, or are being planned by, or for, GM. 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.

9. Describe all modifications or changes made by, or on behalf of, GM in the design, material composition, manufacture, quality control, supply, or installation of the subject component, from the start of production to date, which relate to, or may relate to, the alleged defect 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 part numbers (service and engineering) of the original component;
  - e. The part number (service and engineering) of the modified component;
  - f. Whether the original unmodified component was withdrawn from production and/or sale, and if so, when;
  - g. When the modified component was made available as a service component; and
  - h. Whether the modified component can be interchanged with earlier production components.

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

10. State the number of each of the following that GM has sold that may be used in the subject vehicles by component name, part number (both service and engineering/production), model and model year of the vehicle in which it is used and month/year of:
- a. Subject component; and
  - b. Any kits that have been released, or developed, by GM for use in service repairs to the subject component/assembly.

For each component part number, provide the supplier's name, address, and appropriate point of contact (name, title, and telephone number) Also identify by make, model and model year, any other vehicles of which GM is aware that contain the identical component, whether installed in production or in service, and state the applicable dates of production or service usage.

11. Furnish GM's assessment of the alleged defect in the subject vehicles, including:
- a. The causal or contributory factor(s);
  - b. The failure mechanism(s);
  - c. The failure mode(s);
  - d. The risk to motor vehicle safety that it poses;

- e. What warnings, if any, the operator and the other persons both inside and outside the vehicle would have that the alleged defect was occurring or subject component was malfunctioning; and
- f. The reports included with this inquiry.

This letter is being sent to GM 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. GM's failure to respond promptly and fully to this letter could subject GM 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.

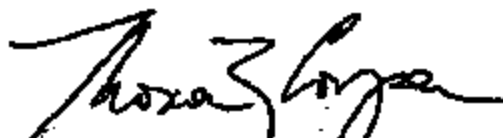
If GM cannot respond to any specific request or subpart(s) thereof, please state the reason why it is unable to do so. If on the basis of attorney-client, attorney work product, or other privilege, GM does not submit one or more requested documents or items of information in response to this information request, GM 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.

GM's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by August 31, 2004. Please refer to RQ04-006 in GM's response to this letter. If GM finds that it is unable to provide all of the information requested within the time allotted, GM must request an extension from me at (202) 366-5218 no later than five business days before the response due date. If GM is unable to provide all of the information requested by the original deadline, it must submit a partial response by the original deadline with whatever information GM then has available, even if an extension has been granted.

If GM 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. § 1903, GM 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. GM 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 Mark Swanson of my staff at (202) 366-7020.

Sincerely,



Thomas Z. Cooper, Chief  
Vehicle Integrity Division  
Office of Defects Investigation

Enclosure 1, 16 Vehicle Owner's Questionnaires, March 1, 2001 Defect Report