



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

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

AUG 12 2005

FAXED
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Aprilia USA, Inc.
C/O Mr. Frank Ciano, ESQ.
Goldberg Segalla, LLP
170 Hamilton Ave.
White Plains, NY 10601

NVS-214jry
PE05-032

Dear Mr. Ciano:

The Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has received the attached information concerning alleged fuel line quick connector failures and resulting fuel leaks on certain Aprilia motorcycles.

To assess whether these reports indicate the existence of a safety defect trend, we are opening this PE and request the following information. Please forward this information request to the appropriate parties within Aprilia. Unless otherwise stated in the text, the following definitions apply to this information request:

Subject Vehicles: All Aprilia motorcycles, which may be legally operated on U.S. roadways, produced for sale in the United States.

Subject Component: fuel line quick connector(s).

Alleged defect: fuel leaking from a subject component.

Aprilia: Aprilia USA, Inc., its parent company, and 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 Aprilia USA, Inc. (including all business units and persons previously referred to), who were involved in any way with any of the following related to the alleged defect in the subject vehicles:



DOT AUTO SAFETY HOTLINE
888-DASH-2-DOT
888-327-4238

- 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, field quality engineers, assembly plant engineers, component suppliers, assembly wholesalers, retailers, or other field locations, including but not limited to people who have the capacity to obtain information from wholesalers or retailers, all officers, employees, agents, contractors, and consultants of Aprilia USA, Inc., whether assigned to its principal office or to any of its field locations, and all records or files maintained by the company either in hard copy form or in electronic storage media.

Documents: "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 Aprilia USA, Inc., 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 containing any note, comment, addition, deletion, insertion, annotation, or otherwise comprising 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 the Aprilia USA, Inc. 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 Aprilia USA, Inc. has previously provided a document to ODI, Aprilia USA, Inc. 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 corresponding with the organization of this information request letter (including all individual requests and subparts). When documents are produced that 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 Aprilia USA, Inc.'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 Aprilia USA, Inc. has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by Aprilia USA, Inc., state the following:
 - a. Vehicle identification number (VIN);
 - b. Model;
 - c. Model Year;
 - d. Date of manufacture;
 - e. Date warranty coverage commenced; and
 - f. Selling dealer identification (dealer name, address, phone, and Aprilia USA, Inc.'s dealer identification number).

Provide the table in Microsoft Access 2000, or a compatible format, entitled "PRODUCTION DATA." See *Enclosure 1, Data Collection Disc*, for a pre-formatted table that provides further details regarding this submission.

2. State the number of each of the following, received by Aprilia USA, Inc., or of which it is otherwise aware, which relate to, or may relate to, the alleged defect:
 - a. Consumer complaints, including those from fleet operators;
 - b. Field reports, including dealer field reports;
 - c. Reports involving a fire, injury, or fatality, based on claims against Aprilia USA, Inc. involving a death or injury, notices received by Aprilia USA, Inc. 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 Aprilia USA, Inc. is or was a party to the arbitration; and
- f. Lawsuits, both pending and closed, in which Aprilia USA, Inc. is or was a defendant or codefendant.

For subparts "a" through "d", separately state the total number of each item Aprilia USA, Inc. has identified (e.g., consumer complaints, field reports, etc.). 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 "f," provide a summary description of the alleged problem and causal and contributing factors and Aprilia USA, Inc.'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.

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. Aprilia USA, Inc.'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 model and model year;
 - g. Vehicle's mileage at time of incident;
 - h. Incident date;
 - i. Report or claim date;
 - j. Whether a fire is alleged;
 - k. Whether property damage is alleged;
 - l. Number of alleged injuries, if any; and
 - m. Number of alleged fatalities, if any.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "COMPLAINT DATA." See *Enclosure 1, Data Collection Disc*, for a pre-formatted table that provides further details regarding this submission.

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 Aprilia USA, Inc. 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 Aprilia USA, Inc. 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; and field, zone, or similar adjustments and reimbursements.

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

- a. Aprilia USA, Inc.'s claim number;
- b. Vehicle owner or fleet name (and fleet contact person) 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, including, but not limited to 030505A;
- 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 claim and/or repair.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "WARRANTY DATA." *See Enclosure 1, Data Collection Disc, for a pre-formatted table that provides further details regarding this submission.*

6. Describe in detail the search criteria used by Aprilia USA, Inc. 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 Aprilia USA, Inc. 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 Aprilia USA, Inc. 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. 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, Aprilia USA, Inc.. 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 action activities, findings and/or conclusions.

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.

8. Describe all modifications or changes made by, or on behalf of, Aprilia USA, Inc. in the design, material composition, manufacture and/or fabrication, quality control, supply, or installation of a subject component, from the start of production to date, which relate to, or may relate to, the alleged defect. 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 Aprilia USA, Inc. is aware of which may be incorporated into vehicle production within the next 120 days.

9. Separately, for each of the subject components – and listed by part manufacturer, supplier, number, and description; and month/year of sale – state the number of subject components Aprilia USA, Inc. has sold.
10. Furnish Aprilia USA, Inc.'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; and
 - e. What warnings, if any, the rider would have that the alleged defect was occurring or about to occur.

This letter is being sent to Aprilia USA, 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.

This letter is being sent to Aprilia USA, 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. Aprilia USA, Inc.'s failure to respond promptly and fully to this letter could subject Aprilia USA, 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 Aprilia USA, 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, Aprilia USA, Inc. does not submit one or more requested documents or items of information in response to this information request, Aprilia USA, 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.

Aprilia USA, Inc.'s response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by September 16, 2005. Please refer to PE05-031 when responding to this letter. If Aprilia USA, Inc. finds that it is unable to provide all of the information requested within the time allotted, Aprilia USA, Inc. must request an extension from me at (202) 366-4933 no later than five business days before the response due date. If Aprilia USA, Inc. 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 Aprilia USA, Inc. then has available, even if an extension has been granted.

If Aprilia USA, 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, Aprilia USA, 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. Aprilia USA, 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 Bob Young of my staff at (202) 366-4806.

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Sincerely,

A handwritten signature in black ink, appearing to read "Richard P. Boyd". The signature is fluid and cursive, with a large loop at the end of the last name.

Richard P. Boyd, Chief
MHDT Division
Office of Defects Investigation

Enclosure 1, one CD ROM titled "Data Collection Disc" containing three files and one scanned copy of the information initially alerting us to this issue.