



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

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

MAY 16 2006

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

Mr. Gerald Plante  
Vehicle Regulations  
Subaru of America, Inc.  
Subaru Plaza, P.O. Box 600  
Cherry Hill, NJ 08034-6000

NVS-212-pco  
EA06-001PIR

Dear Mr. Plante:

The Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) is conducting an investigation (EA06-001) of alleged shattering of the sunroof glass panel resulting in injuries from falling glass fragments in certain model year 2004 - 2006 Cadillac SRX vehicles manufactured by the General Motors Corporation. For a comparative assessment, we are requesting information concerning certain Subaru vehicles equipped with a glass "panoramic" type sunroof system.

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

- **Subject near vehicles:** all model year (MY) 2004 - 2006 Subaru Forrester and Subaru Legacy vehicles, equipped with a panoramic sunroof system, manufactured for sale or lease in the United States.
- **Panoramic sunroof system:** panoramic sunroof system is defined as a glass panel system with a combined surface area of greater than 0.5 m<sup>2</sup> and having single or multiple fixed glass panels and/or single or multiple movable glass panels that can tilt upward and slide back over the existing roof structure. If a retractable front wind deflector is made of glass and part of the sunroof surface, it shall be included.
- **Subject condition:** allegation of glass breakage of the panoramic glass roof while the vehicle is being driven.
- **Subaru:** Subaru of America, Inc., 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 Subaru (including all business units and persons previously referred to), who are or, in or after



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September 1, 2003, were involved in any way with any of the following related to the subject condition in the subject peer 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.

- **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 Subaru, 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 Subaru 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 subject condition, certain information is required. Pursuant to 49 U.S.C. § 30166, please provide numbered responses to the following information requests. Insofar as Subaru has previously provided a document to ODI, Subaru 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 Subaru's response to each request, identify the source of the information and indicate the last date the information was gathered. On data retrievals (sales data, warranty data etc...), the data shall be collected at the end of the monthly period (no partial month data) but no earlier than 15 days from the posted date of this letter.

1. State, by model, model year and each sunroof configuration, the number of subject peer vehicles Subaru has manufactured for sale or lease in the United States.

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

2. State the number of each of the following (in a table format) by each model, model year, sunroof configuration and the specific sunroof section or panel, received by Subaru, or of which Subaru is otherwise aware, which relate to, or may relate to, the subject condition in the subject peer 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 (including own vehicle); and
  - e. Third-party arbitration proceedings where Subaru is or was a party to the arbitration; and
  - f. Lawsuits, both pending and closed, in which Subaru 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 consumer complaint, field report (duplicate) and a crash report (duplicate)), but the duplicated reports shall be identified.

Provide the table in Microsoft Access 2000, or a compatible format, entitled "MANUFACTURER REPORT COUNT."

3. State, by each model, model year, sunroof configuration and the specific sunroof section or panel, the total count for all of the following categories of claims, collectively, that have been paid by Subaru to date that relate to, or may relate to, the subject condition in the subject peer 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. Do not count the claim if it is a duplicate of a subpart report in question 2.

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

4. Describe in detail the search criteria used by Subaru to identify the claims identified in response to Request No. 3, 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 subject condition in the subject peer vehicles. State, by make and model year, the terms of the new vehicle warranty coverage offered by Subaru on the overall subject vehicle, on glass breakage in the side windows and glass breakage in the sunroof system (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 Subaru offered for the subject peer vehicles and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty.
5. For each glass panel utilized (from front to rear of vehicle) in the subject vehicle, provide the following information:
  - a. Formal item name;
  - b. Common item name;
  - c. Movable or Fixed glass panel system;
  - d. Single or multiple panel design (state no. of panels);
  - e. Type of movable glass panel deployment design (i.e., Slide-in-Roof; Tilted and Slide over roof; Tilted, Slide and Stacked (for sectioned design), etc.);
  - f. Interior opening beneath glass panel area (length x width across roof in centimeters);
  - g. Location of glass panel (i.e., "over 1<sup>st</sup>-row occupants", "over 2<sup>nd</sup>-row occupants", "over 1<sup>st</sup> & 2<sup>nd</sup>-row occupants," etc...);

- h. Size of panel (length x width centimeters);
  - i. Thickness of glass (millimeters);
  - j. Weight of glass panel (kilograms);
  - k. Type of glass used (i.e. laminated, tempered, tempered-laminated, multiple glazed unit, rigid plastics, etc... as classified in ANSI/SAB Z26.1)
  - l. Certified to ANSI/SAE Z26.1, Item 3/4 Glazing Material Standard (specify all applicable Table 1 Tests);
  - m. Provide any impact test results per ANSI/SAE Z26.1 Test No. 6-14 or per other standards if available;
  - n. ANSI/SAE Z26.1 certification marking (i.e. AS1, AS2 etc.) if any; and
  - o. Explain the reasons for selecting the type, thickness, and other relevant aspects of the glass used in the subject component in comparison with other types, thicknesses, and other relevant aspects of glass, which were considered or which could have been used.
6. Provide photographs showing an exterior top view looking down at the vehicle's entire roof section. If the glass panel opens, provide photographs for both the close position and the open position. In addition, show wide-angled interior views looking up at the entire roof liner, with all shades opened, with the glass roof panels in the close position and in the open position. Provide a minimum of two pictures each originating from two opposite angles for each exterior and interior screen shots. The files shall be in a "JPG" format with a minimum resolution of 2,500 x 2,000 pixels each and 2.0 MB size.
7. For each model, model year and glass panel design on the subject peer vehicles, identify the part number, supplier name and a complete street address, contact name, and telephone number.

This letter is being sent to Subaru 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. Subaru's failure to respond promptly and fully to this letter could subject Subaru 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 \$16,050,000 for a related series of violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. See 49 CFR 578.6 (as amended by 69 Fed. Reg. 57864 (Sept. 28, 2004)). This includes failing to respond to ODI information requests.

If Subaru 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, Subaru does not submit one or more requested documents or items of information in response to this information request, Subaru 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.

Subaru's response to this letter, in duplicate (including color photographs, diagrams and drawings), together with a copy of any confidentiality request, must be submitted to this office by July 14, 2006. Please refer to EA06-001PIR in Subaru's response to this letter. If Subaru finds that it is unable to provide all of the information requested within the time allotted, Subaru must request an extension from Mr. Thomas Z. Cooper at (202) 366-5218 no later than five business days before the response due date. If Subaru 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 Subaru then has available, even if an extension has been granted.

If Subaru 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, Subaru 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 (69 Fed. Reg. 21409 et seq; April 21, 2004), to the Office of Chief Counsel (NCC-113), National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, S.W., Washington, D.C. 20590. Subaru is required to submit two copies of the documents containing allegedly confidential information 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 Peter C. Ong of my staff at (202) 366-0583.

Sincerely,



Kathleen C. DeMeter, Director  
Office of Defects Investigation  
Enforcement