



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

AUG 02 2007

1200 New Jersey Avenue SE  
Washington, DC 20590

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

Gary R. Greib, Manager  
Product Government Affairs  
Delphi Corporation - Electronics & Safety  
M/C 480.410.254  
5825 Delphi Drive  
Troy, MI 48098-2815

NVS-212mjl  
EA07-003

Dear Mr. Greib:

As you know, the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) is conducting an Engineering Analysis (EA07-003) that includes testing at NHTSA's Vehicle Research and Test Center, to investigate the potential for side curtain air bag failures on model year (MY) 2006 and 2007 Dodge Durango vehicles. As part of the investigation, this letter requests an update and additional information regarding some of the information previously provided by Delphi Corporation.

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

- **Subject vehicles:** All MY 2004 through 2007 Dodge Durango vehicles equipped with side curtain air bags.
- **Subject components:** Diffuser tubes in the side curtain air bag system.
- **Delphi:** Delphi 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 their 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 Delphi (including all business units and persons previously referred to), who are or, in or after 2002, 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 or fracture of the subject component, or allegation of any improper deployment of the side curtain air bag that could have been caused by a fracture of the subject component during deployment; e.g., air bag failed to inflate, air bag was ruptured, or a metal (diffuser) tube was exposed.
  - **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 Delphi, 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 Delphi 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 Delphi has previously provided a document to ODI, Delphi 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 Delphi’s response to each request, identify the source of the information and indicate the last date the information was gathered.

1. Provide copies of all documents related to all production records and quality control tests including, but not limited to, module deployment tests, that relate to, or may relate to, the subject components that were produced 30 days before and 30 days after the following three side curtain air bag assemblies in which the diffuser tube fractured during the previous NHTSA research testing:

	1	2	3
Manufacturer Diffuser Part No.	Delphi 16911465 L.H.	Delphi 16911465 L.H.	Delphi 16911465 L.H.
Diffuser Tube Date of Build	2S 30/03/2006 XX:XX	2S 14/03/2006 22:04	2S 12/06/2006 19:27
Country of Manufacture Diffuser Tube Other Nos.	Mexico 812526762	Mexico 812526762	Mexico 812526762
Canister Part No.	TQQCB12560002J	TQQCB100600048	TQQCB17060006E
Canister Tube Other No.	P52029345AD	P52029345AD	P52029345AD

Please explain whether or not the production and quality control data indicate that the subject components were produced correctly.

2. Describe in detail the nature and purpose of the tests titled, “Prueba De Explosion De Cortinas” (Spanish translated into English as Deployment Test for Curtains) in Enclosure 1 of Delphi’s submission to ODI, dated January 11, 2007. Describe the criteria for “Paso” (Pass) or “Fallo” (Fail) in the Results column of the table of summary results. For all tests that resulted in “Fail,” please provide all documents related to the tests.

In addition, provide legible copies of the documents titled, "Reporte De Scrap RIMIR" (translation: RIMIR Defects Report) in the Enclosure 1.

3. 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, Delphi. 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. If an action is not complete, provide a detailed schedule for the work to be done, tentative findings and/or conclusions, and provide an update within 10 days of completion of the action.

4. Produce copies of all post-test photographs and test videos of all tests (e.g., pre-production, production, design validation, product validation, etc.) related to the diffuser tube in the subject vehicles including all side curtain air bag deployment tests associated with the subject vehicles. For each test, include information concerning the test conditions:
  - a. With and without the installation of the headliner;
  - b. With variations in the mounting points; and
  - c. On sled buck or vehicle body.
5. Produce copies of all post-test photographs and test videos not included in Delphi's response to Request No. 4 above and related to all sled and crash tests (developmental and certification) that involved side curtain air bag deployments in the subject vehicles.
6. Describe all modifications or changes made by, or on behalf of, Delphi in the design, material composition, manufacture, process control, quality control, supply, installation, or packaging of the subject components, 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 Delphi is aware of which may be incorporated into vehicle production within the next 120 days.

This letter is being sent to Delphi 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. Delphi's failure to respond promptly and fully to this letter could subject Delphi 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 \$6,000 per day, with a maximum of \$16,375,000 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 71 Fed. Reg. 28279 (May 16, 2006)). This includes failing to respond to ODI information requests.

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

Delphi's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by September 14, 2007. **All business confidential information must be submitted directly to the Office of Chief Counsel as described in the following paragraph and should not be sent to this office.** In addition do not submit any business confidential information in the body of the letter submitted to this office. Please refer to EA07-003 in Delphi's response to this letter. If Delphi finds that it is unable to provide all of the information requested within the time allotted, Delphi 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 Delphi 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 Delphi then has available, even if an extension has been granted.

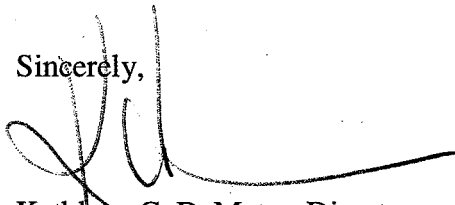
If Delphi claims that any of the information or documents provided in response to this information request constitute confidential commercial material within the meaning of 5 U.S.C.

§ 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, Delphi 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, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590. Delphi 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.** Please remember that the word "CONFIDENTIAL" must appear at the top of each page containing information claimed to be confidential, and the information must be clearly identified in accordance with 5 U.S.C. § 512.6.

Please send email notification to Mr. Michael Lee ([Michael.Lee@dot.gov](mailto:Michael.Lee@dot.gov)) and to [ODI\\_IRresponse@dot.gov](mailto:ODI_IRresponse@dot.gov) when Delphi sends it response to this office and indicate whether there is confidential information as part of Delphi's response.

If you have any technical questions concerning this matter, please call Mr. Lee of my staff at (202) 366-5236.

Sincerely,



Kathleen-C. DeMeter, Director  
Office of Defects Investigation  
Office of Enforcement