



U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

NOV 14 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Steven Kenner
Global Director
Automotive Safety Office
Sustainability, Environment & Safety Engineering
Ford Motor Company
330 Town Center Drive, Suite 400
Dearborn, MI 48126

NVS-212mjl
EA12-003

Dear Mr. Kenner:

As you know the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has upgraded the Preliminary Evaluation (PE11-039) to an Engineering Analysis (EA12-003). The agency is investigating allegations of corrosion related to structural failure of the third-row stowable-seat anchor mount on model year (MY) 2004 Ford Freestar and Mercury Monterey vehicles. As part of the investigation, this letter requests certain information from Ford Motor Company (Ford).

Since writing to Ford on January 5, 2012, this office has received 52 Vehicle Owner's Questionnaire (VOQ) reports on MY 2004-2005 Ford Freestar and Mercury Monterey vehicles that allege the rear wheel wells (where the third-row seat is attached to the vehicle body by two side latches or anchors) were severely corroded. Some complaints indicated that one of the vehicle's anchor mounts had become completely detached from the vehicle's body. An electronic image of each VOQ report has been e-mailed to your office. A list of the reference number of each report is shown at the end of this letter.

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

- **Subject vehicles:** All model year 2004 through 2007 Ford Freestar and Mercury Monterey vehicles manufactured for sale or lease in the United States.
- **Subject component:** The body-mounted side-anchor mechanism for the third-row stowable seat, including the metal in rear-wheel wells in the area where the anchor mechanism attaches to the vehicle body.
- **Ford:** Ford Motor Company, 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 Ford (including all business units and persons previously referred to), who are or, in or after 2001, 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 degradation (e.g., breakage, separation, deformation, etc.) of the third-row seat's body-mounted side-anchor mechanism, any corrosion of the side-anchor mechanism, or any corrosion adjacent to the side-anchor mechanism in the rear-wheel well.
 - **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 Ford, 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 Ford 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 Ford has previously provided a document to ODI, Ford 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 Ford'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 the subject vehicles that Ford has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by Ford, 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 (including the District of Columbia) where the vehicle was originally sold or leased (or delivered for sale or lease).

Provide the table in Microsoft Access 2007, or a compatible format, entitled "PRODUCTION DATA."

2. State the number of each of the following, received by Ford, or of which Ford 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;
 - e. Third-party arbitration proceedings where Ford is or was a party to the arbitration; and
 - f. Lawsuits, both pending and closed, in which Ford is or was a defendant or codefendant.

For subparts "a" through "f," 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 "f," provide a summary description of the alleged problem and causal and contributing factors and Ford'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. Ford'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 the left, right or both subject components were degraded or corroded;
 - j. Whether the left, right or both subject components were separated;
 - k. Whether a crash is alleged;
 - l. Whether property damage is alleged;
 - m. Number of alleged injuries, if any; and
 - n. Number of alleged fatalities, if any.

Provide this information in Microsoft Access 2007, 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 Ford 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 Ford to date that relate to, or may relate to, the alleged defect in the subject vehicles including all claims for repairs of the subject components: 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 (TSB) or customer satisfaction campaign. Also, state, by model and model year, a total count for all claims that relate to repairs related to any TSBs involving the subject components.

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

- a. Ford's claim number;
- b. Vehicle owner or fleet name (and fleet contact person) and telephone number;
- c. Vehicle's VIN;
- d. Vehicle's make, model and model year;
- e. Repair date;
- f. Vehicle mileage at time of repair;
- g. Repairing dealer's or facility's name, telephone number, city, state and ZIP code;
- h. Labor operation number;
- i. Problem code;
- j. Whether or not the repair is related to a TSB (and if so, identify the TSB number);
- k. Replacement part number(s) and description(s);
- l. Concern stated by customer; and
- m. Comment, if any, by dealer/technician relating to claim and/or repair.

Provide this information in Microsoft Access 2007, or a compatible format, entitled "WARRANTY DATA."

6. Describe in detail the search criteria used by Ford 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 lists of all labor operations, labor operation descriptions, problem codes, and problem code descriptions applicable to the alleged defect in the subject vehicles. State, by model year, the terms of the new vehicle warranty coverage offered by Ford 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 Ford offered for the subject vehicles and state by 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 Ford 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, service repairs, 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 Ford is planning to issue within the next 120 days.

Summarize and provide a brief chronology of all actions taken by Ford leading to each of the technical service bulletins and service repairs that have been issued, or that are being developed for release, relating to, or that may relate to, the alleged defect in the subject vehicles. Provide copies of all documents, organized in chronological order, related to the development of these bulletins and repairs.

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, Ford. This includes, but is not limited to, any and all actions by the subject component manufacturer relating to the alleged defect. 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.

9. Describe all modifications or changes made by or on behalf of Ford (e.g., by a supplier) in the design, material composition, manufacture, quality control, supply, or installation of the subject component, from the start of production to the end of production of the subject vehicles, 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 number(s) (engineering and service) of the original component;
 - e. The part number(s) (engineering and service) 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 Ford is aware of which may be incorporated into vehicle production within the next 120 days.

10. In the February 23, 2012 response to ODI's PE11-039 information request, Ford referred to 56 complaints and reports associated with Ford's "2004 Freestar Rust Concern" review. Only a summary of each of the reports was provided in Appendix D of the Ford response. For each of the 56 reports, provide the information/details in the format specified in Request No. 3 of this letter. Provide this information in Microsoft Access 2007, or a compatible format, entitled "REQUEST NUMBER TEN DATA." In addition, provide copies of all documents related to the 56 reports as described in Request No. 4.

In addition, provide Ford's assessment of each of the 56 reports, including whether or not each report relates to, or may relate to, the alleged defect. If Ford believes a report does not, or may not, relate to the alleged defect, provide a detailed explanation for its reason.

11. Produce copies of all requirements, standards, plans, strategies and guidelines related to the performance of seat assemblies (e.g., seat strength and integrity) in static and dynamic test conditions including during vehicle crash tests and real-world crash conditions that Ford used in any way during the design, development, production, testing or analysis of the subject vehicles.
12. Produce copies of all documents related to testing of the third-row seats in the subject vehicles for Federal Motor Vehicle Safety Standard Nos. 202 *Head restraints*, 207 *Seating systems*, 210 *Seat belt assembly anchorages*, and 225 *Child restraint anchorage systems*. Also, provide copies of all documents related to any other testing, analysis or simulation that relate to, or may relate to the alleged defect, third-row seat performance or third-row seat occupant injury or both, for the subject vehicles, including any that involve a rear-impact mode.
13. Produce copies of engineering drawings and photographs of the following:
 - a. Each design version of the subject components; and
 - b. Any kits that have been released or developed, or that are to be released or developed, by Ford for use in service repairs to the subject component in the subject vehicles.
14. State, by model year, all part numbers of the subject components that have been installed on subject vehicles as assembled by Ford. State, by model year, the service part numbers of the subject components Ford designates for installation on subject vehicles. State, by month, year and part number, the total number of subject components sold as service parts by Ford. Identify any kits that Ford has released or developed for use in service repairs to the subject components or assembly.

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

15. Furnish Ford'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. Failure trends/projections;
 - e. The risk to motor vehicle safety that it poses in various crash conditions including rear-impact crashes;
 - f. What warnings, if any, the operator and the other persons both inside and outside the vehicle would have that the alleged defect was occurring; and
 - g. The VOQ reports referenced in this inquiry.

This letter is being sent to Ford 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. Ford's failure to respond promptly and fully to this letter could subject Ford 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. 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 \$17,350,000 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 75 Fed. Reg. 79978 (Dec. 21, 2010)). This includes failing to respond to ODI information requests.

If Ford 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 communication, attorney work product, or other privilege, Ford does not submit one or more requested documents or items of information required in this information request, Ford must provide a privilege log identifying each document or item withheld, and state the date, subject or title of the document, 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 recipients (to include all carbon copies or blind carbon copies), the nature of that information or material, the basis for the claim of privilege, and the reason why that privilege applies.

Ford's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by January 2, 2013. **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 EA12-003 in Ford's response to this letter. If Ford finds that it is unable to provide all of the information requested within the time allotted, Ford must request an extension from Scott Yon at (202) 366-0139 no later than five business days before the response due date. If Ford 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 Ford then has available, even if an extension has been granted.

If Ford 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, Ford 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-110), National Highway Traffic Safety Administration, 1200 New Jersey Avenue, S.E., W41-326, Washington, D.C. 20590. Ford 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 49 CFR 512.6.

Please send e-mail notification to Michael Lee (Michael.Lee@dot.gov) and to ODI_IRresponse@dot.gov when Ford sends its response to this office and indicate whether there is confidential information as part of Ford's response.

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

Sincerely,



Frank S. Borris, Director
Office of Defects Investigation
Office of Enforcement

VOQ reference numbers: 10482620, 10482613, 10482236, 10482213, 10481412, 10481054, 10480665, 10480611, 10479758, 10479430, 10479247, 10478449, 10477954, 10477387, 10477025, 10473159, 10473087, 10472514, 10471978, 10471813, 10471520, 10471280, 10470510, 10470216, 10469200, 10469188, 10468429, 10467680, 10467003, 10464801, 10464243, 10463600, 10463366, 10463262, 10463126, 10462910, 10461074, 10460511, 10459042, 10458738, 10457910, 10457423, 10456985, 10455545, 10454977, 10453826, 10452933, 10450587, 10450559, 10450295, 10446564, 10442809.