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

1200 New Jersey Avenue SE.
Washington, DC 20590

JAN 24 2014

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NVS-212jfa
EA13-001

Jim Eaton
Director of Business Development, Child Restraints
AmSafe Commercial Products, Inc.
22937 Gallatin Way
Elkhart, IN 46514

Dear Mr. Eaton:

The Office of Defects Investigation (ODI) at the National Highway Traffic Safety Administration (NHTSA) is conducting an investigation, Engineering Analysis 13-001, to investigate an alleged safety-related defect affecting the harness buckle in certain child car seats (car seats) manufactured by Graco Children's Products Inc. (Graco). The alleged defect involves difficulty in unlatching the harness buckle. In some cases, the buckle becomes stuck in a latched condition so that it cannot be opened by depressing the buckle's release button. The car seats subject to this investigation include model years (MY) 2009-2013 produced with either a "Signature", "QT", and "QT3" harness buckle (Subject Seats).

It is ODI's understanding that AmSafe Commercial Products, Inc. (AmSafe) manufactured and supplied the Signature, QT, and QT3 buckles to Graco. ODI has been advised that the Signature buckle is a proprietary design created jointly by AmSafe and Graco and is used exclusively on Graco car seats. It is ODI's further understanding that the QT and QT3 buckles are an AmSafe design and those buckles are commercially available to other manufacturers. To assist us at this stage of the investigation, ODI is requesting certain information from AmSafe.

ODI conducts investigations of potential safety defects in motor vehicles and items of motor vehicle equipment under the authority of the National Traffic and Motor Vehicle Safety Act of 1966, as amended, 49 U.S.C. Chapter 301 (49 U.S.C. § 30166). The purpose of these investigations is to determine whether manufacturers, suppliers or both should conduct defect notification and recall campaigns to reduce the potential for crashes, injuries and deaths, in accordance with 49 U.S.C. §§ 30118, 30120.

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

- **Subject components:** all QT and QT3 harness buckles manufactured or supplied by AmSafe for use in the manufacture of any make or model of car seat sold in the United States.

- **AmSafe:** AmSafe Commercial Products, Inc., all of its past and present officers and employees, whether assigned to their principal offices or any of their 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 AmSafe (including all business units and persons previously referred to), who are or, in or after 2007, 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 sellers of AmSafe child seats, distributors, retailers, or other field locations, including but not limited to people who have the capacity to obtain information from these parties.

- **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 AmSafe, 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 the AmSafe 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 AmSafe has previously provided a document to ODI, AmSafe 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 AmSafe's response to each request, identify the source of the information and indicate the last date the information was gathered.

1. Identify all customers to which AmSafe has sold or supplied the subject components. For each customer identified, please provide the company name, line of business (i.e. vehicle manufacturer, equipment manufacturer, distributor, retailer, etc.), address, contact person, telephone number, the quantity sold to each by year and buckle type, and the date(s) of sale. Provide the data in a table in Microsoft Excel, or a compatible format, entitled "CUSTOMER DATA."

2. State the number of all subject components AmSafe has manufactured, or imported for sale to date, in the United States, by production year and buckle type. Provide the data by customer name and monthly production volumes in a table in Microsoft Excel, or a compatible format, entitled "PRODUCTION DATA."

3. Produce copies of all service, warranty and/or other documents that AmSafe has issued that relate to, or may relate to, the performance or operation of the subject components. This includes, but is not limited to, bulletins, advisories, informational documents, training documents, or other documents or communications.

4. Describe all modifications or changes made by or on behalf of AmSafe in the design, material composition, manufacture, quality control, or supply, from the start of production to date, which relate to, or may relate, to the performance or operation of the subject components. Produce a copy of all documents related to your response to this question. 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 production;
   b. A detailed description of the modification or change;
   c. The reason(s) for the modification or change;
   d. Identify the entity which initiated or requested the modification or change and the date on which the request was first made;
   e. The part numbers (service and engineering) of the original component;
   f. The part number (service and engineering) of the modified component;
   g. Whether the original unmodified component was withdrawn from production and/or sale, and if so, when;
   h. Whether or not the modified component was provided to all AmSafe customers, and if not which specific customers did not receive the modified component and an explanation of why the customer did not receive the modified component;
   i. When the modified component was made available as a service component; and,
   j. Whether the modified component can be interchanged with earlier production components.

5. Identify whether the "Signature" buckle was sold to any entity other than Graco. If so, identify all entities by corporate name, address, contact person, and telephone number.

6. Identify all studies, surveys, and analyses conducted by or for AmSafe to identify the root cause of the buckle sticking issues in the QT and QT3 buckles and describe the root cause of the stuck/sticking buckles.

Legal Authority for This Request

This letter is being sent to AmSafe 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.

Civil Penalties

AmSafe's failure to respond promptly and fully to this letter could subject AmSafe 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.) The Vehicle Safety Act, as amended, 49 U.S.C. § 30165(a), provides for civil penalties of up to $7,000 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 77 Fed. Reg. 70710 (November 27, 2012)). This includes failing to respond completely to ODI information requests.

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

Confidential Business Information

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 EA13-001 in AmSafe's response to this letter and in any confidentiality request submitted to the Office of Chief Counsel.

If AmSafe 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, AmSafe 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, to the Office of Chief Counsel (NCC-111), National Highway Traffic Safety Administration, Room W41-227, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590. AmSafe 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 phrase "ENTIRE PAGE CONFIDENTIAL BUSINESS INFORMATION" or "CONTAINS CONFIDENTIAL BUSINESS INFORMATION" (as appropriate) 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. If you submit a request for confidentiality for all or part of your response to this IR, that is in an electronic format (e.g., CD-ROM), your request and associated submission must conform to the new requirements in NHTSA's Confidential Business Information Rule regarding submissions in electronic formats. *See* 49 CFR 512.6(c).

If you have any questions regarding submission of a request for confidential treatment, contact Otto Matheke, Senior Attorney, Office of Chief Counsel at otto.matheke@dot.gov or (202) 366-5253.

Due Date

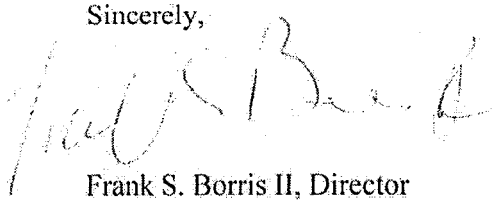
AmSafe's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by February 24, 2014. If AmSafe finds that it is unable to provide all of the information requested within the time allotted, AmSafe must request an extension from Mr. D. Scott Yon at (202) 366-0319 no later than five business days before the

response due date. If AmSafe 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 AmSafe then has available, even if an extension has been granted.

Please send email notification to Mr. John Abbott at john.abbott@dot.gov and to ODI_IRresponse@dot.gov when AmSafe sends its response to this office and indicate whether there is confidential information as part of AmSafe's response.

If you have any technical questions concerning this matter, please call John Abbott of my staff, at (202) 366-5221.

Sincerely,



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