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

1200 New Jersey Avenue SE.
Washington, DC 20590

OCT 20 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mrs. Tracy Stowe
Bear Trailer Manufacturing, Inc.
27877 Route 66
Lebanon, MO 65536

NVS-214njs
PE15-034

Dear Mrs. Stowe:

This letter is to inform you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has opened a Preliminary Evaluation (PE15-034) to investigate allegations of hitch failures in certain model year (MY) 2010 trailers equipped with a TrailGuard tongue and to request additional information to assist us in our investigation.

This office received one (1) Vehicle Owner's Questionnaire (VOQ) reporting cracks in the trailer frame where the TrailGuard tongue inserted into the frame. ODI attempted to review Early Warning Reporting (EWR) data to further assess if a defect related to the TrailGuard tongue existed; however, Bear Trailer Mfg. is delinquent submitting EWR as required by CFR 49 Part 579. Additionally, Bear Trailer Mfg. has submitted no notices, bulletins, customer advisories, or other communications such as Technical Service Bulletins (TSB) to NHTSA as required by CFR 49 Part 579.5.

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

- **Subject Vehicle:** 2010 Bear Trailer Mfg. trailers equipped with a TrailGuard removable tongue produced for sale or lease in the United States.
- **Peer Vehicle:** all other 2010 Bear Trailer Mfg. trailers produced for sale or lease in the United States.
- **Subject Component**: TrailGuard removable tongue.
- **Bear:** Bear Trailer Mfg., 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 Bear (including all business units and persons previously referred to), who are or, in or after 2008, were involved in any way with any of the following related to the alleged defect in the subject component:

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:** Physical crack or failure of the hitch system.

- **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 Bear, 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 Bear 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, provide numbered responses to the following information requests. Insofar as Bear has previously provided a document to ODI, Bear 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.

Repeat the applicable request verbatim above each response. After Bear's response to each request, identify the source of the information and indicate the last date the information was gathered.

1. State, by make, model and model year, the number of subject and peer vehicles Bear has manufactured for sale or lease in the United States. Separately, for each subject and peer vehicle manufactured to date by Bear, state the following:

   a. VIN;
   b. Make;
   c. Model;
   d. Model Year;
   e. Part number of the tongue;
   f. Vehicle date of manufacture; and
   g. Facility where vehicle was manufactured.

   Provide the table in Excel, or a compatible format, entitled "PRODUCTION DATA." A pre-formatted Data Collection File, which provides further details regarding this submission, will be emailed to you.

2. State the number of each of the following, received by Bear, or of which Bear is otherwise aware, which relate to, or may relate to, the alleged defect in the subject and peer vehicles:

   a. Consumer complaints;
   b. Field reports, including dealer field reports;
   c. Reports involving a crash, fire, injury or fatality;
   d. Property damage claims;

e. Third-party arbitration proceedings where Bear is or was a party to the arbitration; and
f. Lawsuits, both pending and closed, in which Bear 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 Bear's assessment of the problem, with a summary of the significant underlying facts and evidence. For items "d" through "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. Bear'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's name, mailing address, email address, and telephone number;
d. VIN;
e. Make, Model, Model Year of the vehicle;
f. Part number of the tongue;
g. Vehicle date of manufacture;
h. Mileage at time or incident, if known;
i. Time in service at time of incident, if known;
j. Date of original retail sale;
k. Incident date;
l. Report or claim date;
m. Whether a crash is alleged;
n. Whether property damage is alleged;
o. Number of alleged injuries, if any; and
p. Number of alleged fatalities, if any.

Provide this information in Excel, or a compatible format, entitled "REQUEST NUMBER TWO DATA." A pre-formatted Data Collection File, which provides further details regarding this submission, will be emailed to you.

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 Bear used for organizing the documents.

5. State, by make, model and model year, a total count for all of the following categories of claims, collectively, that have been paid by Bear to date that relate to, or may relate to, the alleged defect in the subject and 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.

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

a. Bear's claim number;
b. Vehicle owner's name, mailing address, email address, and telephone number;
c. VIN;
d. Repair date;
e. Part number of the tongue;
f. Vehicle date of manufacture;
g. Vehicle warranty start date;
h. Mileage at time of repair;
i. Time in service at time of repair;
j. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
k. Labor operation number;
l. Problem code;
m. Replacement part number(s) and description(s);
n. Concern stated by customer; and
o. Comment, if any, by dealer/technician relating to claim and/or repair.

Provide this information in Excel, or a compatible format, entitled "WARRANTY DATA." A pre-formatted Data Collection File, which provides further details regarding this submission, will be emailed to you.

6. Describe in detail the search criteria used by Bear 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 vehicle. State, by make, model, and model year, the terms of the new warranty coverage offered by Bear covering the subject and peer vehicles (i.e., the number of months and mileage for which coverage is provided and the component systems that are covered). Describe any extended warranty coverage option(s) that Bear offered for the subject and peer vehicles and state by option, make, model, and model year, the number of subject and peer 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 and peer vehicles, that Bear 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, 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 Bear is planning to issue within the next 120 days.

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 and peer vehicles that have been conducted, are being conducted, are planned, or are being planned by, or for, Bear. 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.

9. Produce the latest revision of the engineering drawings relative to the hitch for each subject and peer vehicle.

10. Describe all modifications or changes made by, or on behalf of, Bear in the design, material composition, manufacture, quality control, supply, or installation of the 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 production;
    b. A detailed description of the modification or change;
    c. The reason(s) for the modification or change;
    d. The part number(s) (service and engineering) of the original component;
    e. The part number(s) (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 Bear is aware of which may be incorporated into vehicle production within the next 120 days.

11. Furnish Bear's assessment of the alleged defect in the subject vehicle, 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;
    e. What warnings, if any, the operator and the other persons both inside and outside the vehicle would have that the alleged defect was occurring or subject component was malfunctioning; and
    f. The reports included with this inquiry.

Legal Authority for This Request

This letter is being sent to Bear 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

Bear's failure to respond promptly and fully to this letter could subject Bear 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(b), 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 Bear 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, Bear does not submit one or more requested documents or items of information in response to this information request, Bear 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 PE15-034 in Bear's response to this letter and in any confidentiality request submitted to the Office of Chief Counsel.

If Bear 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, Bear 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. Bear 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) (as amended by 72 Fed. Reg. 59434 (October 19, 2007)).

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.

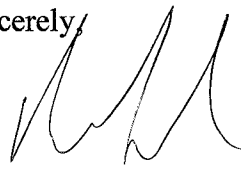
Due Date

Bear's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by **November 20, 2015**. If Bear finds that it is unable to provide all of the information requested within the time allotted, Bear must request an extension from me at (202) 366-6938 no later than five business days before the response due date. If Bear 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 Bear then has available, even if an extension has been granted.

Please send email notification to Nate Seymour at nate.seymour@dot.gov and to ODI_IRresponse@dot.gov when Bear sends its response to this office and indicate whether there is confidential information as part of Bear's response.

Prior to starting you response please call Nate Seymour of my staff at (202) 366-2069, to discuss this information request or if you have any technical questions concerning this matter.

Sincerely,



Bruce B. York, Chief
Medium/Heavy Duty Vehicle Division
Office of Defects Investigation

Supporting Documents, in an email with attachments, will be sent containing one Excel database template file and an electronic copy of the subject report referenced above in the second paragraph of this letter identified by the following ODI reference number: 10759570.