UNITED STATES DEPARTMENT OF TRANSPORTATION
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
1200 New Jersey Avenue, SE
West Building, W41-326
Washington, DC 20590

In re:	)
	)
EA15-001	)
(Takata) Air Bag Inflator Rupture	)
	)
PE15-027	)
(ARC) Air Bag Inflator Rupture	)
	)

STANDING GENERAL ORDER 2015-02A
DIRECTED TO AIR BAG INFLATOR MANUFACTURERS

To:

Ron Mounger
Vice President of Inflator Products
ARC Automotive, Inc.
1729 Midpark Road, Suite 100
Knoxville, TN 37921

Steven R. Fredin
Group Vice President, Sales & Engineering
Autoliv ASP, Inc.
1320 Pacific Drive
Auburn Hills, MI 48326

Michael Gross
Executive Vice President
Daicel Safety Systems America, LLC
720 Old Liberty Church Road
Beaver Dam, KY 42320

Mark Wehner
Sr. Vice President
Key Safety Systems, Inc.
7000 19 Mile Road
Sterling Heights, MI 48314

Kyu Heum Choi
Chief Research Engineer
Mobis North America LLC
23255 Commerce Drive
Farmington Hills, MI 48335

James Smith
Assistant Manager, Safety Parts Design Engineering
Neaton Auto Products Manufacturing Inc.
975 S. Franklin Street
Eaton, Ohio 45320

Michael Rains
Product Safety Director
TK Holdings, Inc.
2500 Takata Drive
Auburn Hills, MI 48326

Joseph Mannino
Vice President of Safety Systems
Toyoda Gosei North America
1400 Stephenson Highway
Troy, MI 48083

(Service List Continues on Next Page)

Peter J. Lake
Executive Vice President, Sales and
Business Development
ZF TRW Automotive
12001 Tech Center Drive
Livonia, MI 48150

This Standing General Order 2015-02A (the "General Order") is issued by the Secretary of Transportation pursuant to 49 U.S.C. § 30166(g)(1)(A) and 49 C.F.R. § 510.7, and pursuant to a delegation of authority to the Chief Counsel of the National Highway Traffic Safety Administration ("NHTSA"), an Operating Administration of the United States Department of Transportation, 49 C.F.R. §§ 1.95, 501.8(d)(3). It amends and clarifies the instructions set forth in Standing General Order 2015-02, which was issued on July 27, 2015.

As part of NHTSA's ongoing investigation and oversight of rupturing air bag inflators - in both NHTSA Investigation EA15-001 (pertaining to inflators manufactured by Takata) and NHTSA Investigation PE15-027 (pertaining to inflators manufactured by ARC), NHTSA, by this General Order, hereby demands that the following air bag inflator manufacturers file certain reports concerning air bag inflator rupture incidents: ARC Automotive, Inc. ("ARC"); Autoliv ASP, Inc. ("Autoliv"); Daicel Safety Systems America, LLC ("Daicel"); Key Safety Systems, Inc. ("KSS"); TK Holdings, Inc. ("Takata"); Toyoda Gosei North America ("Toyoda Gosei"); and ZF TRW Automotive ("ZF TRW").

DEFINITIONS

To the extent used in this General Order, the following definitions apply:

1. The definitions of **"affiliate," "manufacturer," "motor vehicle," "original equipment,"** and **"replacement equipment"** can be found in 49 U.S.C. § 30102 and 49 C.F.R. § 573.4.

2. **"Inflator"** means any gas generator (pyrotechnic, stored gas, or hybrid) used to

inflate an air bag in a supplemental restraint system that is manufactured by you, regardless of the air bag's position in the vehicle (i.e., whether driver, passenger, center, or rear seat and whether frontal, side, knee, curtain, or other); regardless of the motor vehicle manufacturer (i.e., the customer); regardless of whether it was manufactured as original equipment or replacement equipment; and regardless of whether it is a single stage or dual stage.

3. An **"inflator rupture"** means an incident (or alleged incident) occurring in the field, whether in the United States or abroad, by which some mechanism (e.g., excessive internal pressure inside the inflator) causes the inflator body to burst or break apart at any time during the air bag deployment sequence, resulting in injury, death, and/or property damage not typically associated with a normal air bag deployment. Signs of an inflator rupture include, but are not limited to, unusual tears in air bag cushion fabric and/or metal shards detected or found in the vehicle passenger compartment.

4. As used herein, the term **"notice"** is broader than as defined in 49 C.F.R. § 579.4. It consists of information that you have received from any source (whether foreign or domestic), and in any form (whether written or oral), about an incident in which an inflator ruptured or is alleged to have ruptured; including, but not limited to, lawsuits, claims, complaints, demand letters, and media reports. Notice shall not be construed to include rumors or allegations from third parties that are not widely disseminated.

5. **"You"** or **"your"** means each individual manufacturer to whom this General Order is directed.

INSTRUCTIONS

1. This General Order supersedes and replaces the reporting obligations set forth in Standing General Order 2015-02, which was issued on July 27, 2015.

2. The reports required under this General Order shall be provided to NHTSA within five (5) business days of receiving notice of an incident in which an air bag inflator rupture has occurred or is alleged to have occurred.

3. You are hereby obligated to inquire of your foreign office(s) and/or affiliate(s) (if any) on a regular basis as to whether your foreign office(s) or affiliate(s) has learned of any rupture incidents. Notice to NHTSA of any foreign inflator ruptures must occur within five (5) business days of when your United States office learns of the incident or alleged incident from the foreign office or affiliate. You are only required to submit one initial report per rupture incident regardless of whether it is filed by your United States or foreign office.

4. This General Order requires reports on a prospective basis; meaning, that it requires reports for incidents (or alleged incidents) of which you receive notice on or after the date of this General Order. **This is a standing reporting obligation, and shall continue until such time as NHTSA notifies you in writing that such reports are no longer required.**

5. The reports required under this General Order shall be provided by electronic mail to NHTSA's Office of Defects Investigation, Chief of the Vehicle Integrity Division (currently Scott Yon, Scott.Yon@dot.gov), with a copy to Peter Ong (Peter.Ong@dot.gov), and NHTSA's Assistant Chief Counsel for Litigation and Enforcement (currently Timothy H. Goodman, Tim.Goodman@dot.gov), with a copy to Beth Mykytiuk (Elizabeth.Mykytiuk@dot.gov). NHTSA will provide notice if the individuals holding these positions or their e-mail addresses change.

6. You are required to respond to every request listed in this General Order, including subparts. If you cannot respond to any specific request or subpart(s) thereof, please state the reason why you are unable to do so. Examples include, but are not limited to, situations

where you do not possess the information requested at the time the report is due or where you are required to redact the information because it is protected from disclosure under foreign privacy law. If you do not possess the information necessary to fully complete a report required by this General Order on or before its due date, you must provide as much information as you have available at the time the report is due.

7. The requests in this General Order are deemed to be continuing in nature so as to require additional and/or amended reports from you should you obtain or become aware of any new, additional, or differing responsive information about any previously-reported inflator rupture incident.

8. To the extent you have not made a determination as to whether a rupture in fact occurred by the date of your initial report:

(a) You shall submit supplemental reports in the form attached as Appendix A on the first business day of every month, either providing new or additional responsive information or indicating that no such information has been obtained since the prior report. Supplemental reports shall be submitted on a monthly basis until such time as you have concluded your investigation.

(b) Within five (5) business days of the conclusion of your investigation, you are required to submit a final report in the form attached as Appendix A, either confirming that a rupture occurred or stating that a rupture did not occur. If you are ultimately unable to determine whether a rupture occurred (e.g., because the parts are no longer in existence or there is no other basis on which you can conclude that a rupture occurred), then you may provide such an explanation in your final report.

9. If you are able to confirm that a rupture did, in fact, occur at the time you submit your initial report, then no further reports will be required for that incident. If you are able to ascertain that a rupture did not, in fact, occur prior to the expiration of the deadline to submit the initial report, no such initial report will be required.

10. NHTSA reserves the right to request additional information regarding any rupture or alleged rupture.

11. Failure to respond fully or truthfully to this General Order may result in a referral to the United States Department of Justice for a civil action to compel responses, and may subject a manufacturer to civil penalties of up to $7,000 per day, up to a maximum penalty of $35,000,000 for a related series of daily violations. 49 U.S.C. §§ 30163(a)(1), 30165(a)(3); 49 C.F.R. § 578.6(a)(3).

12. You are cautioned not to assert privilege in connection with any information you submit to NHTSA. Should you anticipate doing so for any reason (and the agency can contemplate none), you are instructed to contact Beth Mykytiuk at (202) 366-9991 to discuss why any information you submit would constitute privileged information.

13. If you claim that any of the information or documents provided in response to this General Order constitutes confidential commercial material within the meaning of 5 U.S.C. § 552(b)(4), or is protected from disclosure pursuant to 18 U.S.C. § 1905, then you must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 C.F.R. Part 512, to the Office of Chief Counsel (NCC-111), National Highway Traffic Safety Administration, West Building, W41-326, 1200 New Jersey Avenue, SE, Washington, DC 20590. A copy of the request for confidential treatment and accompanying materials shall be sent by electronic mail to Beth Mykytiuk at

Elizabeth.Mykytiuk@dot.gov.

14. As used herein, the singular includes the plural; the plural includes the singular. The masculine gender includes the feminine and neuter genders; and the neuter gender includes the masculine and feminine genders. "And" as well as "or" shall be construed either disjunctively or conjunctively, to bring within the scope of this General Order all responses that might otherwise be construed to be outside its scope. "Each" shall be construed to include "every" and "every" shall be construed to include "each." "Any" shall be construed to include "all" and "all" shall be construed to include "any." The use of a verb in any tense shall be construed as the use of the verb in a past or present tense, whenever necessary to bring within the scope of the requests all responses which might otherwise be construed to be outside its scope.

15. The reporting obligations established by this General Order, issued pursuant to 49 U.S.C. § 30166(g), are in addition to your current reporting obligations under the National Traffic and Motor Vehicle Safety Act of 1966 as amended and recodified (the "Safety Act"), 49 U.S.C. § 30101, *et seq.*, including, but not limited to, early warning reporting requirements established by the Transportation, Recall Enhancement, Accountability and Documentation Act (the "TREAD Act"), Pub. Law 106-414, codified at 49 U.S.C. § 30166(m), and its implementing regulations, 49 C.F.R. Part 579.

16. You are **not** required to submit the requested reports under oath.

REQUEST

Within five (5) business days of receiving notice of an incident in which an air bag inflator ruptured or is alleged to have ruptured:

1. File a report that provides the following information: (i) the date on which you were first notified or learned of the incident (i.e., the "Notification Date"); (ii) the name of the

individual involved in the incident; (iii) the contact information for counsel representing the individual (if applicable); (iv) the make, model, and model year of the vehicle; (v) the vehicle identification number (VIN), vehicle build date, and state in which the vehicle is registered; (vi) the inflator manufacturer, serial number, build date, and other identifying information; (vii) the date, location, and description of the incident; (viii) the number and description of any injuries or fatalities; (ix) a summary of your current understanding as to the nature of the incident and/or the root cause of the inflator rupture and (x) a summary of any other information relevant to your investigation of the incident. Please also state whether you have confirmed that a rupture occurred and whether a vehicle inspection has been scheduled. Reports shall be submitted in the form attached as Appendix A.

2. In connection with each report submitted in accordance with Request No. 1, provide copies of any documents that you have received that relate to the vehicle or the incident, including, but not limited to: lawsuits, written complaints, demand letters, photographs, police accident reports, EDR downloads, Carfax reports, and medical records.

In accordance with Instruction No. 4, this General Order creates a standing reporting obligation, and shall continue until such time as NHTSA notifies you in writing that such reports are no longer required.

Dated: August 17, 2015

Paul A. Hemmersbaugh
Acting Chief Counsel