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

1200 New Jersey Avenue SE.
Washington, DC 20590

SEP 11 2017

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Tammy L. Fanning
Global Head of Law
Continental Automotive Systems, Inc.
1830 MacMillan Park Dr.
Ford Mill, SC 29707

NEF-107
EQ17-002

Dear Ms. Fanning:

As you are aware, the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has opened an Equipment Query (EQ17-002) to investigate the scope of fuel pump flange cracking defects related to Volkswagen (VW) recalls 16V-660, 17V-151 and 17V-298 and Porsche recall 17V-289 of fuel pump modules supplied by Continental Automotive Systems, Inc. (Continental). This letter requests information to assist us in our investigation.

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

- **Subject equipment recall:** Safety Recall 17E-031.

- **Subject components:** All fuel pump flanges associated with Safety Recalls 16V-660, 17V-151, 17V-289 and 17V-298.

- **Alleged defect:** The fuel pump flange may develop cracks or fissures, which could result in a fuel leak/odor.

- **Continental:** Continental Automotive Systems, Inc., 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 Continental (including all business units and persons previously referred to), who are or, in or after January, 2010, 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.

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

1. Provide the following information for each of the subject components;
   a. The OEM customer;
   b. The vehicle applications by make, model, engine and model year, if known;
   c. Continental's part number;
   d. Material (POM) specification;
   e. Photograph(s) (high definition) of the exterior surface(s);
   f. Total number of flanges produced;
   g. Total number flanges with the alleged defect that have been returned to Continental for analysis; and
   h. Copies of all documents containing field performance data or analyses related to the returned flanges and/or the alleged defect.

2. 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 components that have been conducted, are being conducted, are planned, or are being planned by, or for, Continental. 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.

3. Provide the following information for all other fuel pump flanges with integrated fuel filters that have been manufactured by Continental with the same polymer material and production period as the subject components;

   a. The OEM customer;
   b. Continental's part number;
   c. Material (POM) specification;
   d. Photograph(s) (high definition) of the exterior surface(s);
   e. Whether the flange is identical to any of the subject components; and
   f. For all parts not classified as identical to any of the subject components in the response to Request 3.e, provide a summary of the "application specific" differences with subject components as indicated in Continental's Part 573 Safety Recall Report for the subject equipment recall.

4. For all fuel pump flanges classified as identical to any of the subject components in the response to Request 3.e, provide the following additional information:

   a. The vehicle applications by make, model, engine and model year, if known;
   b. Total number of flanges produced;
   c. Total number flanges with the alleged defect that have been returned to Continental for analysis; and
   d. Copies of all documents containing field performance data or analyses related to the returned flanges and/or the alleged defect.

Legal Authority for This Request

This letter is being sent to Continental 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

Continental's failure to respond promptly and fully to this letter could subject Continental 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)(3), provides for civil penalties of up to $21,000 per violation per day, with a maximum of $105,000,000 for a related series of daily violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. *See* 49 C.F.R. § 578.6. This includes failing to respond completely, accurately, and in a timely manner to ODI information requests.

If Continental 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, Continental does not submit one or more requested documents or items of information in response to this information request, Continental 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 EQ17-002 in Continental's response to this letter and in any confidentiality request submitted to the Office of Chief Counsel.

If Continental 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, Continental 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-100), National Highway Traffic Safety Administration, Room W41-227, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590. Continental 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

Continental's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by **September 22, 2017**. Continental's response must include all non-confidential attachments and a redacted version of all documents that contain confidential information. If Continental finds that it is unable to provide all of the information requested within the time allotted, Continental must request an extension from me at (202) 366-8726 no later than five business days before the response due date. If Continental 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 Continental then has available, even if an extension has been granted.

Please send email notification to Troy Stewart at troy.stewart@dot.gov, Scott Yon at scott.yon@dot.gov, and to ODI_IRresponse@dot.gov when Continental sends its response to this office and indicate whether there is confidential information as part of Continental's response.

If you have any technical questions concerning this matter, please call Troy Stewart of my staff at (202) 366-8002.

Sincerely,

Kara Fischer, Acting Chief
Recall Management Division
Office of Defects Investigation