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

NHTSA

1200 New Jersey Avenue SE.
Washington, DC 20590

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Via Federal Express and Email – Delivery Receipt Requested

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AQ18-003
NEF-107aa

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Sumner, WA 98390

Re: AQ 18-003 – Investigation into Diono Child Restraint Safety Recall 17C-003

Dear Sirs:

This letter is to inform you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has opened an Audit Query (AQ18-003) investigation into Diono's safety recall of certain child restraints. On or about September 14, 2017, Diono LLC ("Diono") submitted a 49 C.F.R. Part 573 Safety Recall Report ("Part 573 Report") to NHTSA describing various instances of noncompliance with Federal motor vehicle safety standard ("FMVSS") No. 213 in 519,052 child restraints manufactured by it (NHTSA Recall No. 17C-003). NHTSA has opened the AQ to investigate whether Diono's 49 Part 573 Report submission for Recall No. 17C-003 was untimely, whether the recall remedy it selected is adequate, and concerns surrounding the owner notifications it issued to inform its purchasers of the recalled child restraints.

Furthermore, based on information currently available to NHTSA, it appears that Diono may be in violation of its early warning reporting obligations pursuant to 49 U.S.C. § 30166(m) and 49 C.F.R. Part 579, that Diono also may have failed to submit foreign recall information in compliance with 49 C.F.R. § 579.12, and may have failed to comply with other regulations under

the Safety Act. To further the investigation into these issues, NHTSA is sending Diono this Information Request.

DEFINITIONS

Unless stated otherwise in the text, the following definitions apply to these Information Requests:

1. **"Affiliates"** means a corporation that is related to another corporation (such as a subsidiary, parent, or sibling corporation) by shareholdings or other means of control.

2. **"Agent"** means an individual, such as a representative, who is authorized to act for or in place of another.

3. **"Document(s)"** is used in the broadest sense of the word under Rule 34 of the Federal Rules of Civil Procedure, and includes 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, electronic communications (existing in hard copy and/or in electronic storage), invoices, contracts, agreements, manuals, publications, photographs of all types, and all mechanical, magnetic, and electronic records or recordings of any kind. Any document, record, graph, chart, film or photograph originally produced in color must be provided in color. Furnish all documents whether verified by the manufacturer or not. If a document is not in the English language, provide both the original document and an English translation of the document.

4. **"Employee"** means a person who works in the service of another person (the employer) under an express or implied contract of hire, under which the employer has the right to control the details of work performance.

5. **"Identify", "identity" or "identification,"** with respect to a person, means to provide that person's name, title or position, employer, and last known business address and telephone number. With respect to a document, means the date (or time period covered if not dated), nature of document, author, and recipient(s). With respect to a business, means to provide the corporate address, name of its principals, telephone number, and name and address of the agent for service. With respect to a website, means the URL of the site, the name and address of the owner of the site and the name and address of administrator of the website.

6. **"Officer"** means a person who holds an office of trust, authority, or command, such as a person elected or appointed by the board of directors to manage the daily operations of a corporation, such as a CEO, president, secretary, or treasurer.

7. **"Subject Equipment"** means all motor vehicle equipment that is subject to a recall under NHTSA Recall No. 17C-003.

8. **"Diono"** means Diono LLC (formerly known as Sunshine Kids Juvenile Products), Diono Investments LLC, and Winona Capital, all of their 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 Diono (including all business units and persons previously referred to).

9. **"You"** or **"Your"** means Diono or Diono's.

10. **Other terms.** To the extent that they are used in these requests, the terms "claim," "consumer complaint," "dealer field report," "field report," "fleet," "good will," "make," "model," "model year," "notice," "type," "warranty," "warranty adjustment," and "warranty claim," whether used in singular or in plural form, have the same meaning as found in 49 C.F.R. § 579.4.

To facilitate my staff's evaluation of Diono's compliance with the Safety Act, certain information is required. Pursuant to 49 U.S.C. § 30166, please provide numbered responses to the following Information Requests.

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

REQUESTS

1. Diono's chronology contained in the 49 C.F.R. Part 573 Report for NHTSA Recall No. 17C-003 states "7 June: Diono conducted testing as a check on production and found excessive chest acceleration for 2 tests using the 3 year old dummy in the type 1 (lap belt only) configuration using a CMVSS pulse."

   a. Provide a complete explanation why testing was performed on that date and why a CMVSS pulse was used.

   b. Provide copies of the tests referenced in this part of the chronology.

2. Diono's chronology contained in the 49 C.F.R. Part 573 Report for NHTSA Recall No. 17C-003 states that "11 July: Testing was conducted which confirmed excessive chest-g's for 3 year old ATD using type 1 only belts. Excessive head excursion for the 10 year old ATD using the same type 1 only belts was discovered at this time."

a. What actions, if any, did Diono take with respect to the apparent noncompliance of the subject equipment between June 7, 2017 and July 11, 2017?

b. Provide a detailed explanation for why Diono did not recall the subject equipment for noncompliance with FMVSS No. 213 on or around July 11, 2017. Your explanation must identify all Diono employees involved in any discussion relating to Diono not recalling the subject equipment for noncompliance with FMVSS No. 213 on or around July 11, 2017.

c. Produce copies of all documents that substantiate or support or evidence your responses.

3. Diono's chronology states, "18 August: Preliminary part 573 report was emailed to Zack Fraser acknowledging the problem." Explain what a "preliminary part 573 report" is and produce a copy of this report.

4. Provide a detailed explanation for why Diono did not recall the subject equipment for noncompliance with FMVSS No. 213 prior to September 14, 2017. Your explanation must identify all Diono employees involved in any discussion relating to Diono not recalling the subject vehicles for noncompliance with FMVSS No. 213 prior to September 14, 2017. Produce copies of all documents related to any such discussions.

5. Provide a detailed summary of circumstances relating to the decision to recall the subject equipment for the noncompliances with FMVSS No. 213. Your response must include the date that the noncompliance with FMVSS No. 213 decision was made and who made that decision. Produce copies of all documents related to your response, including any presentation materials or agenda items.

6. Provide all documents referring or relating to Diono's decision to recall the subject equipment for noncompliance with FMVSS No. 213.

7. Produce all documents that refer or relate in any way to a potential noncompliance of the subject equipment with FMVSS No. 213 from November 25, 2013 to the date of this Information Request. Your answer must include all documents referring or relating to ordering or manufacturing potential remedies or product improvements.

8. State whether the Part 573 Report inaccurately cited FMVSS No. 213 S5.1.2(b) as the noncompliance instead of FMVSS No. 213 S5.1.2.1(b).

9. Describe in detail the remedy for the noncompliance with FMVSS No. 213 S5.1.2(b) or FMVSS No. 213 S5.1.2.1(b).

10. Describe in detail the remedy for the noncompliance with FMVSS No. 213 S5.1.3.1.a.1.

11. Provide all documents, including test reports, referring or relating to the compliance of the subject equipment with FMVSS No. 213 post-remedy. Your response must include any test reports indicating a noncompliance with FMVSS No. 213.

12. Explain how the subject equipment is compliant with all aspects with FMVSS No. 213 post-remedy when your remedy requires use of a top tether.

13. If you contend that the remedy for NHTSA Recall No. 17C-003 adequately repairs the noncompliance with FMVSS No. 213, provide the basis for your contention and produce all documents to support your contention.

14. Do you have a basis for ensuring that implementing the foam insert remedy does not take any of the other configurations out of compliance with FMVSS No. 213? If yes, please explain your basis and provide all supporting documentation. If no, explain how the remedy does not introduce another noncompliance with FMVSS No. 213.

15. For the period of November 25, 2013 to present, identify (by date and title) and describe in detail any and all Diono policies or procedures governing Diono's decision making process on whether to conduct a recall or service campaign. Also summarize any and all "unwritten" rules or policies that were in place or followed during the period of November 25, 2013 to present pertaining to Diono's decision making process on whether to conduct a recall or service campaign. If any of the described policies or procedures changed in any respect during the November 25, 2013 to present time period, describe the changes made and when each change was made.

16. Produce a copy of any and all documents described in Request 15, including drafts, and any other documents describing or otherwise mentioning the recall policies and procedures in the immediately above request.

17. Provide an organizational chart of Diono employees involved in Diono's decision making process on whether to conduct a recall or service campaign since November 2013. If there have been changes to the organizational structure or to the employees holding those position, provide a chart or summary reflecting the changes.

18. Provide an organizational chart of Diono employees involved in recall or service campaign administration since November 2013. If there have been changes to the organizational structure or to the employees holding those position, provide a chart or summary reflecting the changes.

19. Describe in detail Diono's process for submitting communications required under 49 C.F.R. § 573.6(c)(10) to NHTSA. State whether Diono has made any changes to that process during the prior five years and, if yes, describe the changes.

20. Describe in detail any changes Diono anticipates making to its processes for providing communications required under 49 C.F.R. § 573.6(c)(10) to NHTSA. Your response must include an anticipated timeline for implementing any such changes.

21. For a period of five years prior to the date of this Information Request, provide a copy of all notices, bulletins, and other communications as specified by 49 C.F.R. § 573.6(c)(10) that Diono has not previously provided to NHTSA. To the extent not indicated on each document, provide the date that each notice, bulletin, or other communication responsive to this request was issued.

22. To the extent you provided communications in response to the request immediately above, explain why those communications had not previously been submitted to NHTSA.

23. With respect to NHTSA Recall Number 17C-003, identify the 49 C.F.R. § 573.6(c)(10) communications that Diono claims are its notifications pursuant to 49 C.F.R. Part 577.

24. Describe in detail Diono's process for submitting quarterly reports required under 49 C.F.R. § 573.7 to NHTSA. State whether Diono has made any changes to that process during the prior five years and, if yes, describe the changes.

25. With respect to NHTSA Recall Number 17C-003, state the date when Diono provided to NHTSA the quarterly report(s) required by 49 C.F.R. § 573.7.

26. Describe in detail any changes Diono anticipates making to its process for submitting quarterly reports described in 49 C.F.R. § 573.7 to NHTSA. Your response must include an anticipated timeline for implementing any such changes.

27. With respect to NHTSA Recall Number 17C-003, state the date that each type of notification pursuant to 49 C.F.R. Part 577 began (e.g. owner, dealer) and when each type was completed.

28. With respect to NHTSA Recall Number 17C-003, state whether Diono failed to provide the notification required by 49 C.F.R. § 577.5 within the 60 days specified in 49 C.F.R. § 577.7(a)(1).

29. For a period of five years prior to the date of this Information Request, provide a copy of all notices, bulletins, and other communications as specified by 49 C.F.R. § 579.5 that Diono has not previously provided to NHTSA. To the extent not indicated on the document, provide the date that each notice, bulletin, or other communication responsive to this request was issued.

30. To the extent you provided communications in response to the immediately above request, explain why those communications had not previously been submitted to NHTSA.

31. Describe in detail Diono's process for collecting notices, bulletins, and other communications described in 49 C.F.R. § 579.5 that Diono sent to more than one manufacturer, distributor, dealer, lessor, lessee, owner, or purchaser, in the United States and describe the process for providing those communications to NHTSA pursuant to 49 C.F.R. § 579.5. State

whether Diono has made any changes to that process during the prior five years and, if yes, describe the changes.

32. Describe in detail any changes Diono anticipates making to its process for collecting notices, bulletins, and other communications described in 49 C.F.R. § 579.5 that Diono sent to more than one manufacturer, distributor, dealer, lessor, lessee, owner, or purchaser, in the United States and providing those communications to NHTSA pursuant to 49 C.F.R. § 579.5. Your response should include an anticipated timeline for implementing any such changes.

33. For each reporting period, as established in 49 C.F.R. Part 579, from April 1, 2013 through the present date, provide the production information in the form specified by 49 C.F.R. § 579.25(a) that has not previously been provided to NHTSA. If this information had not been provided to NHTSA prior to the date of this Information Request, provide your explanation why this information was not reported.

34. For the period of April 1, 2013 to present, provide a chart containing the date you reported information under 49 C.F.R. § 579.25 for each reporting period as defined in 49 CFR Part 579. For each entry, if you provided the information more than 60 days after the last day of the reporting period, provide your explanation why this information was reported late.

35. Describe in detail Diono's process for reporting information required under 49 C.F.R. § 579.25 since April 1, 2013 to present. Your response should include an explanation of any changes to Diono's process.

36. For each quarterly reporting period, as established in 49 C.F.R. Part 579, from April 1, 2013 through the present date, provide a report on each incident involving one or more deaths or injuries as specified by 49 C.F.R. § 579.25(b) that has not previously been provided to NHTSA prior to the date of this Information Request. For each incident within the scope of your response provide:

a. A complete copy of the initial claim or notice document(s) that notified Diono of the incident, excluding: (a) medical documents and bills, except those showing the cause of death or injury; (b) property damage invoices or estimates; and (c) documents related to damages;

b. A copy of any police accident report concerning the incident;

c. Diono's assessment of the circumstances that led to the incident including Diono's analysis of the claim and/or notice regarding allegations of a defect; and,

d. For any lawsuit related to the incident, provide a copy of the most recent complaint and describe the current status of the lawsuit. If the lawsuit has been resolved as to Diono, your response should indicate the date of resolution and describe the resolution.

37. Describe in detail Diono's process for determining whether any incident involving one or more deaths or injuries needed to be reported to NHTSA pursuant to 49 C.F.R. § 579.25. Your response should include an explanation of any changes to Diono's process. Your response

should also include an explanation of why Diono failed to report to NHTSA pursuant to 49 C.F.R. Part 579 any incidents included within the scope of your response to the Request above.

38. For each quarterly reporting period, as established in 49 C.F.R. Part 579, from April 1, 2013 through the present date, provide separate reports on the numbers of those consumer complaints, warranty claims, and field reports which involve the systems and components that are specified in codes 51 through 54 in paragraph (b)(2) of 49 C.F.R. § 579.25 not previously provided to NHTSA prior to the date of this Information Request.

39. Describe in detail Diono's process for determining whether consumer complaints, warranty claims, and field reports involving systems and components specified in 49 C.F.R. § 579.25 need to be reported to NHTSA pursuant to 49 C.F.R. Part 579. State whether Diono has made any changes to that process during the prior five years and, if yes, describe the changes.

40. For each quarterly reporting period, as established in 49 C.F.R. Part 579, from April 1, 2013 through the present date, provide copies of all field reports required under 49 C.F.R. § 579.25(d) not previously provided to NHTSA prior to the date of this Information Request.

41. Describe in detail Diono's process for determining whether field reports specified in 49 C.F.R. § 579.25 need to be reported to NHTSA pursuant to 49 C.F.R. Part 579. State whether Diono has made any changes to that process during the prior five years and, if yes, describe the changes.

42. To the extent that Diono failed to report to NHTSA pursuant to 49 C.F.R. Part 579 information required under 49 C.F.R. § 579.25(c) or 49 C.F.R. § 579.25(d), provide an explanation for Diono's failure to report such information.

43. 49 C.F.R. Part 566 requires manufacturers of motor vehicle equipment to which a motor vehicle safety standard applies to submit identifying information and a description of the items they produce. 49 C.F.R. §§ 566.1, 566.5. Each manufacturer who has submitted required information is required to keep that entry current, accurate and complete. *Id.* at § 566.6. State whether you have submitted information required under 49 C.F.R. Part 566 prior to the date of this Information Request.

a. If you have submitted the information required under 49 C.F.R. Part 566, provide the date(s) that information was submitted and state whether the information was current, accurate and complete prior to the date of this Information Request.

b. If you have not submitted the information required under 49 C.F.R. Part 566 prior to the date of this Information Request, provide your explanation for your failure to do so.

44. Provide all reports required under 49 C.F.R. § 579.11 that have not previously been provided to NHTSA prior to the date of this Information Request. If this information had not been provided to NHTSA prior to the date of this Information Request, provide your explanation why this information was not reported.

45. Describe in detail Diono's process for reporting information required under 49 C.F.R § 579.11 since April 1, 2013 to present. Your response should include an explanation of any changes to Diono's process.

46. With respect to NHTSA Foreign Recall Number 17F102, provide the following information:

a. State the date that Diono determined to conduct a foreign recall campaign or the date that Diono received written notification that a foreign government has determined that a safety recall or other safety campaign must be conducted in its country with respect to an item of motor vehicle equipment that is identical or substantially similar to an item of equipment sold or offered for sale in the United States.

b. State the date that Diono provided its report under 49 C.F.R. §§ 579.11 and 12 to NHTSA.

c. If Diono did not provide its report within the time frame allowed by 49 C.F.R. § 579.11, explain why.

d. Provide an explanation why Diono did not file a 49 C.F.R. Part 573 Report with NHTSA on this issue.

47. Provide all documents, including test reports, from January 1, 2016 to present referring or relating to compliance with FMVSS No. 302 of all booster seats manufactured by Diono or imported into the U.S. by Diono.

48. Provide the number of subject equipment sold, offered for sale, or imported into the United States by Diono during the time period from July 12, 2017 through August 17, 2017, and during the time period from August 18, 2017 through September 14, 2017.

49. Describe in detail all actions, including dates of actions, taken by Diono to prevent the importation or sale of unremedied subject equipment by Diono or any of its distributors, dealers or retailers. Provide all supporting documentation.

50. Your website communicates to consumers that it is "highly unlikely" that they are affected by NHTSA Recall Number 17C-003, even if they own the subject equipment. Provide answers to the following questions:

a. Explain how a consumer is not affected by a recall when they own the noncompliant subject equipment;

b. Explain Diono's position regarding whether an owner is entitled to a remedy for the noncompliances referenced in NHTSA Recall No. 17C-003 if the owner does not currently use the subject equipment in the configuration of the child safety seat installed forward-facing with the lap belt only.

c. Explain Diono's basis for telling owners that they are unaffected by the recall depending on the how the owner currently configures the subject equipment.

d. Explain how Diono's statements to owners are not in contravention of its obligation to properly discharge its owner notification and free remedy obligations.

e. Explain how Diono intends to maximize the success of its recall campaign when it is telling owners of the subject equipment that they are not affected by the recall.

51. According to your November 15, 2017 Safety Notice, available at https://us.diono.com/safety-notices/, for children over 65 pounds and using the 5-point harness, you provide the following information:

A) Is your convertible car seat installed forward-facing with the lap belt only, or lap-shoulder belt, with NO top tether attached?

If the answer is YES, you **ARE** affected by this recall and you should immediately reinstall your seat with the top tether attached or switch the belt positioning booster mode.

Answer the following questions:

a. If an owner follows the instructions above, will the convertible car seat comply with all applicable requirements of FMVSS No. 213, and not just the requirements relating to the current configuration? If your answer is yes, explain all your bases for your answer.

b. State if you have any certification data to demonstrate that your seats comply with FMVSS No. 213 in the forward facing, 5-point harness, lap belt and no top tether configuration for children over 65-pounds. If yes, provide all certification data.

c. Explain in detail how your "remedy" ensures your child restraints comply with the requirements of 49 C.F.R. § 571.213 S6.1.2(a)(1)(i)(B). Provide all documents to support your response.

52. According to your November 15, 2017 Safety Notice, available at https://us.diono.com/safety-notices/, if the child is under 65 pounds and is using the 5-point harness installed forward-facing with the lap belt only, with no top tether attached, then you are "affected by this recall and should immediately attach the top tether and contact our dedicated Customer Care team at this toll-free number **1-855-215-4951** for a Remedy Kit." Answer the following:

a. If an owner follows the instructions above, will the convertible car seat comply with all applicable requirements of FMVSS No. 213, and not just the requirements relating to the current configuration? If your answer is yes, explain all your bases for your answer.

b. State if you have any certification data to demonstrate that your seats comply with FMVSS No. 213 in the forward facing, 5-point harness, lap belt and no top tether configuration for children under 65-pounds. If yes, provide all certification data.

c. Explain in detail how you ensure the requirements of 49 C.F.R. § 571.213 S5.1.2.1(b) are met in the 5-point harness, forward facing, lap belt only, no top tether configuration for children under 65 pounds with the lap belt cushion portion of the remedy kit installed. Provide all documents to support your response.

53. Answer the following questions:

a. In the owner letter dated November 2017 issued by Diono, it appears that you are restricting availability of remedy based on the owner's current use of the child restraint by providing a free remedy kit to only those owners who currently use the subject equipment for occupants under 65 pounds, forward-facing, using lap belt only. Explain why this owner letter should not be viewed as a disclaimer in contravention of 49 C.F.R. Part 577.

b. Explain how this notice is not in contravention of Diono's obligation to properly discharge its owner notification and free remedy obligations.

c. State whether your owner letter dated November 2017 includes a statement informing the owner that he or she may submit a complaint to the Administrator of NHTSA if the owner believes that the manufacturer, distributor, or dealer has failed or is unable to remedy the defect or noncompliance without charge. If your answer is yes, provide all bases for your statement.

54. In communications to consumers, you provide information regarding installing the lap belt cushion. You state that the lap belt cushion must be used when:

- The car seat is installed with a lap belt only and no top tether; and
- The child restraint is forward-facing, and
- The child weighs between 20 and 65 pounds (9 and 29.5 kg).

You then state, "The lap belt cushion **MUST NOT** be used in any other configuration."

Answer the following questions:

a. Explain in detail why the lap belt cushion must not be used in any other configuration.

b. State if your child restraints comply with FMVSS No. 213 in configurations other than listed above with the lap belt cushion installed.

c. Provide any test results to demonstrate that your seats comply with FMVSS No. 213 in configurations other than listed above with the lap belt cushion installed.

55. Explain in detail your basis for believing that consumers will be able to understand and comply with the detailed remedy instructions in the various configurations you describe on your website for the life of the child restraint and through use of your child restraint with multiple children. Produce all test results, survey results, or any other documentation that supports your answer.

56. With respect to Diono's notice to all Diono resellers dated October 13, 2017, answer the following:

a. State whether the notification contains a clear statement that identifies the notification as being a safety-recall notice. If your answer is yes, provide all bases for your statement.

b. State whether the notification includes a description of the noncompliance. If your answer is yes, provide all bases for your statement.

c. State whether the notification includes a complete description of the recall remedy. If your answer is yes, provide all bases for your statement.

d. Diono's letter states that it "will follow up with more details regarding availability of new product and instructions on when and how to return affected car seats by the middle of next week, if not sooner." State whether Diono provided any follow-up communications to the retailers regarding the availability of new product and instructions on when and how to return affected car seats. If your answer is yes, provide all such communications not previously provided to NHTSA before the date of this Information Request and also provide an explanation why such communications were not provided to NHTSA.

57. With respect to Diono's notice dated October 13, 2017 directed to all Diono resellers, provide a list of all persons or companies, including addresses, to whom such letter was sent and the date of such notification.

58. With respect to Diono's notice to all Diono resellers dated November 16, 2017, answer the following:

a. State whether the notification includes a description of the noncompliance. If your answer is yes, provide all bases for your statement.

b. State whether the notification includes a complete description of the recall remedy. If your answer is yes, provide all bases for your statement.

c. Diono's letter states that it "will follow up with more details regarding availability of new product and instructions on when and how to return affected car seats by the middle of next week, if not sooner." State whether Diono provided any follow-up communications to the retailers regarding the availability of new product and instructions on when and how to return affected car seats. If your answer is yes, provide all such

communications not previously provided to NHTSA before the date of this Information Request and provide an explanation why such communications were not provided to NHTSA.

59. With respect to Diono's notice dated November 16, 2017 directed to all Diono resellers, provide a list of all persons or companies, including addresses, to whom such letter was sent and the date of such notification.

60. For the Recall Quarterly Report that was filed January 31, 2018, answer the following:

a. Do the 46,328 items reported as remedied refer **only** to the number remedy kits sent to registered owners?

b. If not, describe in detail what you are including in your remedy tally and how you are calculating remedied items.

Legal Authority for This Request

This letter is being sent to Diono 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

Diono's failure to respond promptly and fully to this letter could subject Diono 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 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. This includes failing to respond completely, accurately, and in a timely manner to ODI information requests. *See* 49 CFR 578.6 (as amended by Fixing America's Surface Transportation Act (the "FAST Act"), Pub. L. 114-21, § 24110 (a)(2), 129 Stat. 1312 (Dec. 4, 2015).

If Diono 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, Diono does not submit one or more requested documents or items of information in response to this information request, Diono 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 AQ18-003 in Diono's response to this letter and in any confidentiality request submitted to the Office of Chief Counsel.

If Diono 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, Diono 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 W41-326, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590. Diono is required to **submit two copies of the documents containing allegedly confidential information and one copy of the documents from which information claimed to be confidential has been deleted or blueprints.** 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

Diono's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office **within 3 weeks of the date of this letter**. Diono's response must include all non-confidential attachments and a redacted version of all documents that contain confidential information. If Diono finds that it is unable to provide all the information requested within the time allotted, Diono must request an extension from Alexander Ansley at (202) 493-0481 no later than five business days before the response due date. If Diono is unable to provide all the information requested by the original deadline, it must submit a partial response by the original deadline with whatever information Diono then has available, even if an extension has been granted.

Please send email notification to Alexander Ansley at alexander.ansley@dot.gov when Diono sends its response to this office and indicate whether there is confidential information as part of Diono's response.

If you have any technical questions concerning this matter, please contact Mr. Ansley at the phone number and email above.

Sincerely,

Stephen A. Ridella, Ph.D.
Director
Office of Defects Investigation

cc:

Mr. Frederick Locker
Locker, Greenberg & Brainin, PC
420 Fifth Ave
New York, NY 10018

[redacted]