



May 28, 2020

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Chris Sandvig
Director, Group Customer Protection
Volkswagen Group of America, Inc.
3800 Hamlin Road
Auburn Hills, Michigan 48326

NEF-101sly
EA18-005

Dear Mr. Sandvig:

As you are aware, the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has upgraded Preliminary Evaluation PE18-001 to Engineering Analysis EA18-005 to further investigate allegations of seat belt webbing separation in certain model year (MY) 2018 Tiguan vehicles manufactured by Volkswagen Group (VW). This letter is to request certain information regarding design, development and testing of the seat belt system in the 2018MY Tiguan and other makes, model and model year vehicles manufactured by VW employing the same or substantially similar seat belt systems.

This office received incident reports of the driver seat belt webbing completely separating during two (2) distinct New Car Assessment Program (NCAP) tests of the MY 2018 VW Tiguan. The seat belt webbing separated in the area of the crash locking tongue (CLT). Both tests were 35mph, full frontal, rigid barrier impacts with a 50th percentile male dummy in the driver seat and were conducted at two (2) separate facilities.

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

- **Subject vehicle:** all Tiguan long wheel base vehicles manufactured for sale or lease in the United States, including, but not limited to, the District of Columbia, and current U.S. territories and possessions.
- **Peer vehicle:** all other VW and Audi models equipped with a CLT or flexible seat belt buckle stalk (a stalk comprised of 2 twisted metal cables covered by plastic sheath) or both
- **Subject component:** seat belt assembly including but not limited to CLT, webbing and seat belt buckle stalk.

- **Alleged Defect:** separation of seat belt webbing in a crash resulting in failure of the seat belt system to properly restrain the occupant.
- **VW:** Volkswagen Group 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 VW (including all business units and persons previously referred to), who are or, in or after 1995, 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 VW, 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 VW 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 VW has previously provided a document to ODI, VW 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 VW’s response to each request, identify the source of the information and indicate the last date the information was gathered.

1. State the number of subject and peer vehicles VW has manufactured for sale or lease in the United States. Separately, for the subject and peer vehicles manufactured to date by VW, state the following:
 - a. Make;
 - b. Model;
 - c. Model Year;
 - d. CLT part number;
 - e. CLT supplier;
 - f. Buckle stalk part number;
 - g. Buckle stalk flexible or solid;
 - h. Buckle stalk supplier;
 - i. Seat belt assembly part number;
 - j. Seat belt assembly supplier;
 - k. Driver or passenger side;

1. Production volume.
2. Identify the party who is responsible for the definition of the performance standards (e.g. configuration, component movement during crash sequence, durability, expected and maximum stresses applied to vehicle occupants, system tolerance of external loading) for seat belt assemblies and the components comprising said assemblies for the purpose of use in vehicles manufactured by VW for sale or lease in the United States in both subject and peer vehicles?
3. Describe in detail and supply documentation of the performance standards referenced in Request 2 for the seat belt assemblies and the individual components comprising the assemblies manufactured for use in vehicles manufactured by VW for sale or lease in the United States for both subject and peer vehicles.
4. Identify the party who is responsible for seat belt assembly component design for use in the subject and peer vehicles:
 - a. Specifically describe that performance objectives and process that drove the design of the CLT, seat belt webbing, seat belt buckle stalk and standard seat belt latch plate for both subject and peer vehicles.
5. Describe in detail and provide all documentation and reports for all, past, present and future, assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively “actions”) that assess the effect of the offset loading of the seat belt system when the webbing transitions to be concentrated at the “upper” end of the CLT. These actions should include those conducted by VW or any other entity on VW’s behalf.
6. Describe in detail and provide all documentation for the Design of Experiments (DOE) that led to the 21 sled tests VW conducted whose results were submitted in response to an IR letter dated January 2018 from this agency to VW. What conclusions did VW draw from the results of the sled tests? Furnish any and all documentation on the assessment of the results of the sled tests.
7. Specifically, for sled tests 20 (G2180023) and 21 (G2180024):
 - a. Describe the test set up;
 - b. Furnish VW’s assessment of the contradictory results of these two (2) tests;
 - c. Furnish VW’s assessment of the results of sled test 21 (G2180024) that appear to be incompatible with VW’s promulgated theory that the dummy umbilical cable caused the seat belt failure in both NCAP tests conducted in December 2017 on 2018MY VW Tiguan vehicles.
8. For the 21 sled tests referred to in Request 6, furnish VW’s reasoning for conducting some of the tests with standard seat belt latch plates and what conclusions were drawn from the results of those tests.

9. Describe in detail and provide all documentation for the Design of Experiments (DOE) that led to the full vehicle barrier impact tests VW conducted whose results were submitted in response to an IR letter dated January 2018 from this agency to VW.
10. State the number of each of the following, received by VW or of which VW is otherwise aware, which relate to, or may relate to, the alleged defect in the subject and peer vehicles and produce copies of all documents related to each item organized by category:
 - a. Consumer complaints, including those from fleet operators;
 - b. Field reports, including dealer field reports;
 - c. Reports involving a crash, injury or fatality;
 - d. Property damage claims;
 - e. Third-party arbitration proceedings where VW is or was a party to the arbitration;
 - f. Lawsuits, both pending and closed, in which VW is or was a defendant or codefendant.
11. Describe any and all modifications or changes made by, or on behalf of VW in the design, material composition, manufacture, quality control, supply or installation of the subject component for the start of production to date, which relate to or may relate to the alleged defect in the subject and peer vehicles. For each modification or change, provide the following information:
 - a. The date or approximate date the modification or change was incorporated into vehicle production;
 - b. A detailed description of the modification or change;
 - c. The reason(s) for the modification or change.

Legal Authority for This Request

This letter is being sent to VW 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

VW's failure to respond promptly and fully to this letter could subject VW 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 \$22,329 per violation per day, with a maximum of \$111,642,265 for a related series of daily violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. *See* 49 CFR 578.6. This includes failing to respond completely, accurately, and in a timely manner to ODI information requests.

If VW 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, VW does not submit one or more requested documents or items of information in response to this information request, VW 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 PE18-001 in VW's response to this letter and in any confidentiality request submitted to the Office of Chief Counsel.

If VW 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, VW must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512 Additional information can be found here:

<https://www.nhtsa.gov/coronavirus/submission-confidential-business-information>.

If you have any questions regarding submission of a request for confidential treatment, contact Daniel Rabinovitz, Trial Attorney, Office of Chief Counsel at daniel.rabinovitz@dot.gov or (202) 366-8534.

Due Date

VW's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by **June 30, 2020**. VW's response must include all non-confidential attachments and a redacted version of all documents that contain confidential information. If VW finds that it is unable to provide all of the information requested within the time allotted, VW must request an extension from me at (202) 366-4703 no later than five (5) business days before the response due date. If VW 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 VW then has available, even if an extension has been granted.

Please send email notification to Sharon Yukevich at sharon.yukevich@dot.gov and to ODI_IRresponse@dot.gov when VW sends its response to this office and indicate whether there is confidential information as part of VW's response.

If you have any technical questions concerning this matter, please call Sharon Yukevich of my staff at (202) 366-4925.

Sincerely,

Stephen A. Ridella

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