



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



1200 New Jersey Avenue SE.
Washington, DC 20590

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

JAN 26 2018

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

NEF-101sly
PE18-001

Dear Mr. Sandvig:

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 (PE18-001) to investigate allegations of seat belt webbing separation in certain model year (MY) 2018 Tiguan vehicles manufactured by Volkswagen Group (VW), and to request certain information.

This office has 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.

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

- **Subject vehicle:** all MY 2018 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.
- **Subject component:** seat belt assembly.
- **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 vehicles VW has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by VW, state the following:
 - a. Vehicle Identification Number (VIN);
 - b. Make;
 - c. Model;
 - d. Model Year;
 - e. Subject component part number;
 - f. Date of manufacture;
 - g. Date warranty coverage commenced;
 - h. The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease).
2. Describe the method used to trace a particular seat belt assembly back to the VIN of the vehicle it was installed in as original equipment and how to decode the seat belt assembly serial number to determine the build date of the assembly.
3. State VW’s design and performance criteria for seat belt webbing. If it is seating position dependent, list the criteria for each seating position.
4. Identify all Tier 1 manufacturers VW purchases seat belt assemblies from for the purpose of installing them in new vehicle production. For each Tier 1 manufacturer identified, provide the following information in tabular form for the latest five (5) years:

- a. Supplier name;
 - b. VW Part Number;
 - c. Make, Model, Model Year in which seat belt assembly was utilized;
 - d. Position seat belt assembly utilized in (i.e. driver, passenger, rear).
5. For the purchased seat belt assemblies identified in Request 4, identify all testing conducted to ensure adherence to design and/or performance parameters as well as quality control for the seat belt assembly and its individual components required by VW to be conducted by the seat belt assembly supplier.
 6. For each test identified in Request 5, list each incident where the seat belt assembly failed to meet the test requirements. For each incident include the following in tabular form:
 - a. Supplier name;
 - b. Position seat belt assembly tested for (i.e. driver, passenger, rear);
 - c. Test being conducted at time of failure;
 - d. Failure mechanism;
 - e. Root cause of failure;
 - f. Counter measures implemented to reduce future occurrences;
 - g. Provide a copy of the test report.
 7. For each test identified in Request 5, provide test procedures/protocols approved by VW.
 8. For the purchased seat belt assemblies identified in Request 4, identify all testing conducted to ensure adherence to design and/or performance parameters as well as quality control for the seat belt assembly conducted by VW.
 9. For each test identified in Request 8, list each incident where the seat belt assembly failed to meet the test requirements. For each incident include the following in tabular form:
 - a. Supplier name;
 - b. Position seat belt assembly tested for (i.e. driver, passenger, rear);
 - c. Test being conducted at time of failure;
 - d. Failure mechanism;
 - e. Root cause of failure;
 - f. Counter measures implemented to reduce future occurrences.
 10. For each test identified in Request 8, provide test procedures/protocols approved by VW.
 11. 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 vehicles that have been conducted, are being conducted, are planned, or are being planned by, or for VW. 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. A summary of the subject and objective of the action;
 - e. Engineering group(s)/supplier(s) responsible for designing and conducting the action;
 - f. A summary of the findings and/or conclusions resulting from the action;
 - g. All still photograph files, high-speed video files, real-time video files, acceleration data plots, and load data plots for any analyses that have been conducted to date.
12. Furnish VW's assessment of the alleged defect in the subject vehicle, including but not limited to:
- 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 other occupants would have that the alleged defect was occurring;
 - f. The two NCAP tests that prompted this inquiry.

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 \$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 CFR 578.6 (as amended by Fixing America's Surface Transportation Act (the "FAST Act"), Pub. L. 114-94, § 24110(a)(2), 129 Stat. 1312 (Dec. 4, 2015)). 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, 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. VW 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

VW's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by **February 23, 2018**. 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) 366-5226 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,

Handwritten signature of Gregory Magno in black ink, with the date 1/26/2018 written to the right of the signature.

Gregory Magno, Chief
Vehicle Defect Division A
Office of Defects Investigation