



April 28, 2023

**VIA EMAIL**

Eddie Gates  
Director, Field Quality  
Tesla, Inc.  
45500 Fremont Blvd.  
Fremont, CA 94538

NEF-104  
PE23-003

Dear Mr. Gates,

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 (PE23-003) to investigate allegations of wheel detachment from the steering column due to the absence of the retaining bolt in certain model year (MY) 2023 Tesla Model Y vehicles with a history of rework requiring the removal of the steering wheel at any manufacturing facility or pre-delivery facility assembled by Tesla, Inc. (Tesla), and to request certain information.

This office has received two reports of steering wheel detachment from the steering column due to the absence of the retaining bolt in certain 2023 Tesla Model Y vehicles with a history of rework requiring the removal of the steering wheel at different manufacturing facilities. A copy of the reports will be provided to you electronically for your review and information.

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

- **Subject vehicles:** All 2023 Tesla Model Y vehicles with a history of rework requiring the removal of the steering wheel at any manufacturing facility or pre-delivery facility. 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 vehicles:** All model year (MY) 2022 and 2023 Model 3, Model Y, Model S, and Model X 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:** Steering wheel retaining bolt used to secure the steering wheel to the upper steering column installed on the subject vehicles.
- **Subject process:** Any process or procedure conducted on the subject or peer vehicles, before customer delivery, requiring the removal and subsequent reinstallation of the subject component. Including, but not limited to, multiple attempts to secure the subject component during initial installation and rework/rectification conducted on the vehicle.

- **Alleged defect:** Steering wheel detachment from the steering column due to the absence of the retaining bolt.
  
- **Tesla:** Tesla, 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 Tesla (including all business units and persons previously referred to), who are or were involved in any way as of 01 January 2013, 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, lawsuits or arbitrations; 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 Tesla, 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 Tesla 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 C.F.R. § 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 Tesla has previously provided a document to ODI, Tesla 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 Tesla’s response to each request, identify the source of the information and indicate the last date the information was gathered.

1. State, by model and model year, the number of subject and peer vehicles Tesla has manufactured for sale or lease in the United States. Separately, for each subject and peer vehicle manufactured to date by Tesla, state the following:
  - a. Vehicle identification number (17-character VIN);
  - b. Model;
  - c. Model Year;
  - d. Subject component part number installed as original equipment;
  - e. State Yes / No if the vehicle underwent a subject process;
  - f. If Yes to “e”, state if it was during initial assembly, rectification, or both processes;
  - g. State the number of independent subject processes performed on the VIN;
  - h. Date of manufacture (MM/DD/YYYY);
  - i. Location of manufacture;
  - j. Line of manufacture designation;
  - k. Date warranty coverage commenced (MM/DD/YYYY); and

1. The State in the United States where the vehicle was originally sold or leased, or delivered for sale or lease (postal abbreviation).

Provide the table in Microsoft Access 2010, or a compatible format, entitled "PRODUCTION DATA." A pre-formatted data collection file, which provides further details regarding this submission, will be provided to you.

2. State the number of each of the following, received by Tesla, or of which Tesla is otherwise aware, which relate to, or may relate to, the alleged defect in the subject and peer vehicles:
  - a. Consumer complaints, including those from fleet operators;
  - b. Social media posts;
  - c. Field reports, including dealer field reports;
  - d. Reports involving a crash, injury or fatality;
  - e. Property damage claims; and
  - f. Third-party arbitration proceedings, both pending and closed, where Tesla is or was a party to the arbitration; and
  - g. Lawsuits, both pending and closed, in which Tesla is or was a defendant or codefendant.

For subparts "a" through "g" state the total number of each item (e.g., consumer complaints, field reports, etc.) separately. Multiple incidents involving the same vehicle are to be counted separately. Multiple reports of the same incident are also to be counted separately (i.e., a consumer complaint and a field report involving the same incident in which a crash occurred are to be counted as a crash report, a field report and a consumer complaint).

In addition, for items "c" through "g" provide a summary description of the alleged problem and causal and contributing factors and Tesla's assessment of the problem, with a summary of the significant underlying facts and evidence. For items "f" and "g" identify the parties to the action, as well as the caption, court, docket number, and date on which the complaint or other document initiating the action was filed.

3. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 2, state the following information:
  - a. Tesla's file number or other identifier used;
  - b. The category of the item, as identified in Request No. 2 (i.e., consumer complaint, field report, etc.);
  - c. Vehicle owner or fleet name (and fleet contact person), email address and telephone number (please use distinct fields for each data type);
  - d. Vehicle owner or fleet street address, city, state (postal abbreviation), and ZIP code (please use distinct fields for each data type);
  - e. Vehicle's 17-character VIN;
  - f. Vehicle's model and model year (please use distinct fields for each data type);
  - g. Which subject processes the vehicle underwent, if any;
  - h. Vehicle's mileage at time of incident (numeric data type);
  - i. Incident date (MM/DD/YYYY);
  - j. Report or claim date (MM/DD/YYYY);
  - k. Whether a crash is alleged;

- l. Whether property damage is alleged;
- m. Number of alleged injuries, if any; and
- n. Number of alleged fatalities, if any.

Provide this information in Microsoft Access 2010, or a compatible format, entitled "REQUEST NUMBER TWO DATA." A pre-formatted data collection file, which provides further details regarding this submission, will be provided to you.

- 4. Produce copies of all documents related to each item within the scope of Request No. 2. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and describe the method Tesla used for organizing the documents. Describe in detail the search methods and search criteria used by Tesla to identify the items in response to Request No. 2.
- 5. State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by Tesla to date that relate to, or may relate to, the alleged defect in the subject and peer vehicles: warranty claims; extended warranty claims; claims for good will services that were provided; field, zone, or similar adjustments and reimbursements; and warranty claims or repairs made in accordance with a procedure specified in a technical service bulletin or customer satisfaction campaign.

Separately, for each such claim, state the following information:

- a. Tesla's claim number;
- b. Vehicle owner or fleet name (and fleet contact person), email address and telephone number (please use distinct fields for each data type);
- c. Vehicle owner or fleet street address, city, state (postal abbreviation), and ZIP code (please use distinct fields for each data type);
- d. 17-character VIN;
- e. Which subject processes the vehicle underwent, if any;
- f. Repair date (MM/DD/YYYY);
- g. Vehicle mileage at time of repair (numeric data type);
- h. Repairing dealer's or facility's name, telephone number, city and state or ZIP code (please use distinct fields for each data type);
- i. Labor operation number(s);
- j. Problem code(s);
- k. Replacement part number(s) and description(s);
- l. Concern stated by customer;
- m. Cause as stated on the repair order;
- n. Correction as stated on the repair order; and
- o. Additional comments, if any, by dealer/technician relating to claim and/or repair.

Provide this information in Microsoft Access 2010, or a compatible format, entitled "WARRANTY DATA." A pre-formatted data collection file, which provides further details regarding this submission, will be provided to you.

6. Produce copies of all documents related to each item within the scope of request No. 5. Describe in detail the search methods and search criteria used by Tesla to identify the claims in response to Request No. 5, including the labor operations, problem codes, part numbers and any other pertinent parameters used.
7. Produce copies of all installation and rectification procedure documents that relate to, or may relate to, the subject component in the subject and peer vehicles, including documents Tesla has issued to any dealers, regional or zone offices, field offices, fleet purchasers, or other entities. Include any draft copy of communications that Tesla is planning to issue within the next 120 days. Provide details on any differences between manufacturing facilities and subject processes. Provide dates and explanatory details on when each subject process was implemented and why. Identify which of the policies, processes, and procedures were used prior to the two known incidents.
8. Furnish a video representative of the typical initial installation of the subject component during assembly in a 2023 Model Y. Furnish a video of an exemplar rectification procedure, such as an instrument panel replacement, where the subject process is shown in a subject vehicle. Include views of the steering column and the surrounding station/location. Indicate the location of the subject component during the entire process.
9. Produce copies of the documentation generated to verify installation of the subject component in each vehicle identified in responses to Request No. 2 and No. 5. Include the documentation of both initial installation and following the rectification operation(s).
10. 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 subject processes in the subject and peer vehicles that have been conducted, are being conducted, are planned, or are being planned by, or for, Tesla. Include Process Failure Mode and Effect Analysis (PFEMA) and any quality control plan risk assessments. 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.

11. Provide copies of the procedures and notification processes allowing Tesla employees to identify component or vehicle assembly errors related to the following steps in the manufacturing process for the subject and peer vehicles:
  - a. When Tesla acquires components or fasteners from suppliers;

- b. At the stations or observed locations, through human or machine analysis, of components prior to installation;
- c. During manufacture;
- d. At quality control or sign off prior to leaving the manufacturing facility; and
- e. Prior to delivery.

For each process identified, provide blank copies of all related documents, regardless of whether the documents are in interim, draft, or final form. Identify the current version of each document. In the case of a digital submission to a database for a process, provide a copy of the form in a commonly readable format ensuring the layout and characters are displayed the same for the internal user. Include the role/responsibility of each user who may access the form for creation, verification, approval, and archiving.

12. Provide detail on the subject component:
  - a. Provide the minimum and maximum allowable torque value during initial installation, rectification, and repair procedures; and
  - b. Describe any modifications or changes to the design, provide the reason for change, and the date of change implemented in assembly.
13. Provide a description and the documentation on the training policies, processes, and procedures for inspection and quality control processes currently in use at Tesla facilities. If these differ by facility, identify the differences by location. Include the rationale for the differences as part of the description.
14. Describe policy and procedures Tesla uses to identify and respond to owner allegations for vehicle failures. Highlight any differences for safety or critical vehicle components in the identification and adjudication of these allegations.
15. Produce copies of all policies, processes, and procedures relating to inspection of vehicles following a manufacturing issue or other anomaly where confirmation cannot be achieved through remote vehicle access, including but not limited to any training documentation or standard operating procedures provided to Tesla employees regarding inspection and how the number of vehicles to be inspected is determined. Include separately, vehicles:
  - a. Under Tesla ownership
  - b. Registered to private owners
  - c. Registered in fleet or taxi service
16. Describe in detail Tesla's process for investigating and determining:
  - a. If a safety-related defect exists
  - b. How a recall determination is made

For each process identified, identify the ultimate decision-maker(s) by name and title.
17. Furnish Tesla's assessment of the alleged defect in the subject vehicles, including:
  - 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; and
- e. The reports included with this inquiry.

### **Legal Authority for This Request**

This letter is being sent to Tesla 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. It constitutes a new request for information.

### **Civil Penalties**

Tesla's failure to respond promptly and fully to this letter could subject Tesla 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, 49 U.S.C. § 30165(a)(3), provides for civil penalties of up to \$26,315 per violation per day, with a maximum of \$131,564,183 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(a)(3). This includes failing to respond completely, accurately, or in a timely manner to ODI information requests.

If Tesla 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, Tesla does not submit one or more requested documents or items of information in response to this information request, Tesla 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**

If Tesla's response contains any information that you claim is confidential business information, Tesla must request two secure electronic file transfer links from Matthew Martens at [matthew.martens@dot.gov](mailto:matthew.martens@dot.gov). One secure electronic file transfer link is for your request for confidential treatment and will be directed to NHTSA's Office of the Chief Counsel. Please see enclosure 2 for additional instructions on submitting a request for confidential treatment that is compliant with 49 C.F.R. Part 512 (specifically, a request for confidential treatment must include the four required parts that are discussed in enclosure 2). The second secure electronic file transfer link is for your non-confidential response to this letter. Do not submit any confidential business information along with your non-confidential submission. Please refer to PE23-003 in Tesla's response to this letter and in a request for confidential treatment that Tesla may submit.

**Due Date**

Tesla's response to this letter must be submitted to this office by **June 12, 2023**. If Tesla finds that it is unable to provide all of the information requested within the time allotted, Tesla must request an extension from me at (202) 366-5226 no later than five business days before the response due date. If Tesla 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 Tesla then has available, even if an extension has been granted.

If you have any technical questions concerning this matter, please call Matthew Martens of my staff at (360) 708-1851.

Sincerely,

A solid black rectangular redaction box covering the signature of Gregory Magno.

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

Enclosure 1, The subject reports referenced in the introduction of this letter may be viewed at the NHTSA.gov website using the following ODI reference numbers: 11504846, 11510793.

Enclosure 2, Information for Requests for Confidential Treatment.

## ENCLOSURE – INFORMATION FOR REQUESTS FOR CONFIDENTIAL TREATMENT

If you believe that your response contains any material that you claim is confidential business information, submit these materials to NHTSA’s Office of the Chief Counsel in accordance with 49 C.F.R. Part 512. **All requests for confidential treatment must be submitted directly to the Office of the Chief Counsel. Upon request, ODI will provide you with a secure file transfer link for your submission to the Office of the Chief Counsel.**

Requests for confidential treatment are governed by Part 512. A current version of this regulation is available on the internet at <http://www.ecfr.gov> by selecting Title 49 “Transportation,” selecting “Parts 500 – 599” and then selecting Part 512 “Confidential Business Information.”

### How to request confidential treatment:

NHTSA is currently treating electronic submission as an acceptable method for submitting confidential business information to the agency under Part 512. If you claim that any of the information or documents provided in your response constitutes confidential business information within the meaning of 5 U.S.C. § 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, you must request a secure file transfer link from the ODI contact listed in your Information Request. ODI will copy a representative from the Office of the Chief Counsel on the secure file transfer link for your request for confidential treatment. You must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with Part 512, to the Office of the Chief Counsel. Do not send a hardcopy of a request for confidential treatment to NHTSA’s headquarters.

Your request must include a request letter that contains supporting information, pursuant to Part 512.8. Your request must also include a certificate, pursuant to Part 512.4(b) and Part 512, Appendix A.

You are required to submit one unredacted “confidential version” of the information for which you are seeking confidential treatment. Pursuant to Part 512.6, the words “ENTIRE PAGE CONFIDENTIAL BUSINESS INFORMATION” or “CONFIDENTIAL BUSINESS INFORMATION CONTAINED WITHIN BRACKETS” (as applicable) must appear at the top of each page containing information claimed to be confidential. In the latter situation, where not all information on the page is claimed to be confidential, identify each item of information for which confidentiality is requested within brackets: “[ ].”

You are also required to submit one redacted “public version” of the information for which you are seeking confidential treatment. Pursuant to Part 512.5(a)(2), the redacted “public version” should include redactions of any information for which you are seeking confidential treatment (i.e., the only information that should be unredacted is information for which you are **not** seeking confidential treatment).

For questions about a request for confidential treatment, please contact Dan Rabinovitz in the Office of the Chief Counsel at [Daniel.Rabinovitz@dot.gov](mailto:Daniel.Rabinovitz@dot.gov) or (202) 366-8534.