



U.S. Department
of Transportation

National Highway
Traffic Safety
Administration

JUN 19 2003

400 Seventh Street, S.W.
Washington, D.C. 20590

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Lyndon R. Lie, Director
Product Investigations
General Motors Corporation
Mail Code 480-106-304
30500 Mound Road
Warren, MI 48090-9055

NVS-213dsy
EA02-015

Dear Mr. Lie:

This letter is in reference to the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) Engineering Analysis (EA02-015) investigating allegations of sticking throttle valves in model year (MY) 1999 - 2002 Chevrolet Silverado and GMC Sierra Pickups, MY 2000 - 2002 Chevrolet Tahoe and Suburban, GMC Yukon and Yukon XL and MY 2002 Chevrolet Avalanche manufactured by General Motors Corporation.

The purpose of this letter is to request new information related to EA02-015 that GM has received since their December 9, 2002 response, and to get updates on certain requests. The new information requested includes, but is not limited to, reports (consumer complaints, field reports, crash, injury, fatality reports, etc.), warranty data (including claims related to technical service bulletin 02-06-04-054) and parts sales information (including any newly available subject and service repair components). Additionally, updates on service components and service repairs used for subject vehicles are requested.

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

- **Subject vehicles:** all MY 1999 - 2002 Chevrolet Silverado and GMC Sierra Pickups, MY 2000 - 2002 Chevrolet Tahoe and Suburban, GMC Yukon and Yukon XL and MY 2002 Chevrolet Avalanche manufactured for sale or lease in the United States.
- **Subject component:** all mechanical throttle bodies manufactured for use on the subject vehicles.
- **GM:** General Motors Corporation, 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



DOT AUTO SAFETY HOTLINE
1-888-DASH-2-DOT

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 GM (including all business units and persons previously referred to), who are or, in or after January 1996, 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.
- **Alleged defect:** Sticking of the throttle blade in the throttle body in the closed, or partially open position, requires excessive pedal force to free the blade and as a consequence, accelerator overshoot occurs.
 - **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 GM, 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 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.

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

1. In addition to the information provided in GM's December 9, 2002 response, state the number of each of the following, received by GM, or of which GM is otherwise aware, which relate to, or may relate to, the alleged defect in the subject vehicles:
 - a. Consumer complaints, including those from fleet operators;
 - b. Field reports, including dealer field reports;
 - c. Reports involving a crash, injury, or fatality, based on claims against the manufacturer involving a death or injury, notices received by the manufacturer alleging or proving that a death or injury was caused by a possible defect in a subject vehicle, property damage claims, consumer complaints, or field reports;
 - d. Property damage claims;
 - e. Third-party arbitration proceedings where GM is or was a party to the arbitration; and
 - f. Lawsuits, both pending and concluded, in which GM is or was a defendant, codefendant, or third party defendant.

For subparts "a" through "d," 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 "f," provide a summary description of the alleged underlying problems, causal and contributing factors, and GM's assessment of the problem with a summary of the significant underlying facts and evidence. For items "e" and "f," 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.

2. Separately, for each item (complaint, report, claim, notice, or other matter) within the scope of GM's response to Request No. 1, state the following information:
 - a. GM's file number or other identifier used;
 - b. The category of the item, as identified in Request No. 1 (i.e., consumer complaint, field report, etc.);
 - c. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
 - d. Vehicle's VIN;
 - e. Vehicle's make, model and model year;
 - f. Vehicle's mileage at time of incident;
 - g. Incident date;
 - h. Report or claim date;
 - i. Whether a crash is alleged;
 - j. Whether property damage is alleged;
 - k. Number of alleged injuries, if any;
 - l. Number of alleged fatalities, if any; and
 - m. Summary description (Request No. 1 items "c" through "f" only).

Provide this information in Microsoft Access 2000, or a compatible format, titled "REQUEST NUMBER ONE DATA." See Enclosure 1, "BA02-015 Supplemental IR Attachments," for a pre-formatted table, which provides further details regarding this submission. GM's response should adhere precisely to the format defined in the enclosure.

3. Produce copies of all documents within the scope of Request No. 1 that are related to items "c" and "d" only (crash, injury, fatality or property damage claims). Organize the documents separately by category (i.e., crash injury fatality, property damage) and describe the method GM used for organizing the documents within the category (i.e., by file number, by incident date, etc).
4. In addition to the information provided by GM in the response dated December 9, 2002, state, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by GM to date that relate to, or may relate to, the alleged defect in the subject 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 (TSB) or customer satisfaction campaign. Include in this response any

claims that relate to, or may relate to, the repairs described in GM's TSB No. 02-06-04-054 (Subject: Increased Accelerator Pedal Effort).

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

- a. GM's claim number;
- b. Vehicle owner or fleet name (and fleet contact person), and telephone number;
- c. Vehicle's VIN;
- d. Repair date;
- e. Vehicle mileage at time of repair;
- f. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
- g. Labor operation number;
- h. Problem code;
- i. Replacement part number(s) and description(s);
- j. Concern stated by customer; and
- k. Comment, if any, by dealer/technician relating to claim and/or repair.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "WARRANTY DATA." See Enclosure 1, "EA02-015 Supplemental IR Attachments," for a pre-formatted table, which provides further details regarding this submission. GM's response should adhere precisely to the format defined in the enclosure.

5. Describe in detail the search criteria used by GM to identify the claims identified in response to Request No. 4, including the labor operations, problem codes, part numbers and any other parameters used. Include in this description the criteria used to identify claims that relate to, or may relate to, the repairs described in GM's Service Bulletin No. 02-06-04-054.
6. Referring to question and response No. 7 in GM's letter dated December 9, 2002, state the actual or planned date when the newly designed throttle bodies (as provided in GM's April 29, 2002 Supplement 2 response) that do not have bypass holes in the throttle plate were, or will be, produced and sold for service usage on subject vehicles equipped with LR4, LM7 and L59 engines.
7. For each service procedure and TSB that GM has developed, is developing, or is planning to develop, that will increase the angle, off perpendicular, of the throttle blade at the closed position in any of the subject vehicles equipped with LQ4 engines:
 - a. State its actual or projected publication date;
 - b. Provide a copy of the most recent document in which it is described, whether in draft or final form, or if it has yet to be committed to writing, describe its likely contents, including graphics or drawings;
 - c. Identify and describe, by part number, all components installed, or to be installed, as a result of the service procedure or TSB;
 - d. State whether it includes any changes or modifications in the size of the air bypass hole in the throttle blade, and if so, explain in detail how the modifications are or would be made, including an identification and description of all parts and materials required for the modification;

- e. State the expected change in throttle blade angle (in degrees), and the expected tolerance (in degrees +/-), that will result from the service procedure or TSB; and
 - f. State whether the service procedure or TSB will have any impact on any other vehicle component(s) or system(s), and if so, describe the impact and any effect, if any, on vehicle operation and safety;
8. For each throttle body design or manufacturing modification that GM has developed, is developing, or is planning to develop for use in the subject vehicles equipped with LQ4 engines, which will result in an increase in the angle, off perpendicular, of the throttle blade at the closed position:
- a. State the actual or planned introduction date;
 - b. State whether it includes any changes or modifications in the size of the air bypass hole in the throttle blade, and if so, explain in detail how the modifications are or would be made, including an identification and description of all parts and materials required for the modification;
 - c. State the nominal closed throttle blade angle (in degrees) for any such modified design as well as the tolerance (in degrees +/-) anticipated due to normal manufacturing and component variability; and
 - d. State how each value from question 7(c) compares to current or previous throttle body designs;
9. State the number of each of the following that GM has sold that may be used in the subject vehicles by component name, part number (both service and engineering/production), model and model year of the vehicle in which it is used and month/year of sale (*including the cut-off date for sales, if applicable*):
- a. Subject component, including the types discussed in Request Nos. 6, 7 and 8;
 - b. Throttle plate plugs, GM part numbers 12580749 and 12581011; and
 - c. Any other kits or components that have been released for use in service repairs to the subject component.

For each component part number, provide the supplier's name, address, and appropriate point of contact (name, title, and telephone number) and describe the component part number replacements or supercessions which occurred.

This letter is being sent to GM 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. GM's failure to respond promptly and fully to this letter could subject GM 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.) Please note that maximum civil penalties under 49 U.S.C. § 30165 have increased as a result of the recent enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, Public Law No. 106-414 (signed November 1, 2000). Section 5(a) of the TREAD Act, codified at 49 U.S.C. § 30165(b), provides for civil penalties of up to \$5,000 per day, with a maximum of \$15 million for a related series of violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. This includes failing to respond to ODI's information requests.

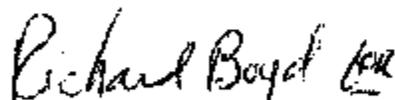
If GM cannot respond to any specific request or subpart(s) thereof, please state the reason why it is unable to do so. If on the basis of attorney-client, attorney work product, or other privilege, GM does not submit one or more requested documents or items of information in response to this information request, GM 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.

GM's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by August 13, 2003. Please refer to EA02-015 in GM's response to this letter. If GM finds that it is unable to provide all of the information requested within the time allotted, GM must request an extension from Mr. Jeffrey Quandt at (202) 366-5207 no later than five business days before the response due date. If GM 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 GM then has available, even if an extension has been granted.

If GM 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, GM must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 C.F.R. §§ 512.1 – 512.10 (2003), to the Office of Chief Counsel (NCC-113), National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, S.W., Washington, D.C. 20590. GM 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.

If you have any technical questions concerning this matter, please call Scott Yon of my staff at (202) 366-6761.

Sincerely,



Kathleen C. DeMeter, Director
Office of Defects Investigation
Enforcement

Enclosure: One CD titled "EA02-015 Supplemental IR Attachments" with two MS Access files.