



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

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

NOV 8 2005

BY FAX AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Timothy L. LaFon
Regulatory Compliance Administrator
Volvo Trucks North America, Inc.
P.O. Box 26115
Greensboro, N.C. 27402

PE05-058
NVS-214sjm

Dear Mr. LaFon:

This is to advise you that the Office of Defects Investigation (ODI) has opened a Preliminary Evaluation (PE05-058) concerning alleged hood strut failures on certain model year 2001 to 2003 VN tractors produced by Volvo. The basis of this investigation is two separate alleged incidents whereby two owners reported that the strut detached from its mounting position, causing the hood to unexpectedly close. A copy of each report is enclosed.

The purpose of this letter is to obtain information to evaluate the nature of the problem and its consequences. Accordingly, certain additional information is requested.

Unless otherwise stated in the text of this letter, the following definitions apply to this information request:

- **Subject Tractor(s)**: VN model tractors, model year 2001-2003, manufactured by Volvo Trucks North America, Inc.
- **Alleged defect**: any failure, malfunction, or otherwise unsatisfactory performance of the engine hood struts, including all brackets and mounting hardware that could result in the hood assembly to unexpectedly close or allow the hood to travel forward onto the person attempting to open the hood.
- **Hood**: includes hood assembly, strut(s), mounting brackets, and all other hardware associated with the hood.
- **Volvo**: Volvo Trucks North America, Inc., all of its past and present officers and employees, whether assigned to its principal offices or to any of its field or other locations, including all of its divisions, subsidiaries (whether or not incorporated) and affiliated enterprises including, but not limited to, Volvo



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Trucks North America, Inc., 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 by or under the control of Volvo Trucks North America, Inc., (including all business units and persons previously referred to) who are or were involved in any way with any of the following related to the alleged defect in the subject tractors:

- a. Design, analysis, modification, or production;
- 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;
- d. communications with motor vehicle manufacturers; or
- e. communication to or from zone representatives, fleets, dealers, or other field locations, including but not limited to people who have the capacity to obtain information from dealers.

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. Please repeat each request verbatim before the response. After the response to each request, identify the source of the information and indicate the last date the source updated the information prior to the preparation of the response. When documents are produced, the documents shall be produced in an identified, organized manner that corresponds with the Information Request letter (including the 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.

If Volvo Trucks North America, Inc. cannot respond to any specific request or subpart thereof, please state the reason why it is unable to do so. If Volvo Trucks North America, Inc. claims that any document or other information or material responsive to any of the following items need not be divulged to NHTSA because it is privileged or the work product of an attorney, separately, by information request number, for each document or other information or material, state the nature of that information or material and identify any document in which it is found by date, subject or title, name and position of the person from, and the person to, whom it was sent, and the name and position of any other recipient. Volvo Trucks North America, Inc. must also describe any such privilege that it claims, and explain why Volvo Trucks North America, Inc.

NHTSA requests that Volvo Trucks North America, Inc., in addition to a two hard copies, also provide a copy of its response in a Microsoft Word format on a CD.

1. Provide a table that lists by model year, model, build date and manufacturing location, the total number of subject vehicles that Volvo has manufactured for sale or lease in the United States. Provide the table in Excel, or a compatible format,

entitled, "Response to No. 1, POPULATION." Also provide the same information on any other models or model years that utilize the subject hood.

2. Identify all vehicles to which Volvo has performed any field retrofit regarding the alleged defect by repair date, make and model, date of sale, owner/fleet name, address, telephone number, contact representative, and reason for offering the retrofit. Provide a table in Excel, or a compatible format, entitled, Response No. 2, "Fleet Retrofit." Provide a detailed drawing depicting the original hood configuration and the any/all revisions to the hood assembly.
3. State the total number of each, by calendar year and month and provide copies of the following, received by Volvo, or of which Volvo is otherwise aware, separated by fleets/owner, 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 hood strut failure, 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 Volvo is or was a party to the arbitration; and,
 - f. Lawsuits, both pending and closed, in which Volvo/purchaser is or was a defendant or codefendant.

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 and "d" provide a summary description of the alleged problem and causal and contributing factors and Volvo's assessment of the problem, with a summary of the significant underlying facts and evidence. Also 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.

Provide the table in Excel, or a compatible format, entitled, "Response No. 3 COMPLAINT DATA."

4. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 3, provide the following information:
 - a. Volvo's file number or other identifier used;

- b. The category of the item, as identified in Request No.3 (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 and body or serial number;
- 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 property damage is alleged;
- j. Number of alleged injuries, if any;
- k. Number of alleged fatalities, if any.
- l. Concern stated by customer;
- m. Comment, if any, by dealer/technician relating to claim and/or repair; and
- n. Volvo's assessment of the claim.

Provide this information in Excel, or a compatible format, entitled "Response to No. 4 CLAIM DATA."

- 5. State, by make, model and model year, a total count for all of the following categories of claims, collectively, that have been paid by Volvo 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 or customer satisfaction campaign.** Separately, provide a copy of each claim.

Also, separately, for each such claim, state the following information:

- a. Volvo's claim number;
- b. Vehicle owner or fleet name (and fleet contact person) and telephone number;
- c. 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;
- k. Comment, if any, by dealer/technician relating to claim and/or repair; and
- l. Volvo's assessment of the claim, including reason for granting claim.
- m. Category, goodwill, warranty, etc.

Also, provide this information in Excel, or a compatible format, entitled "Response to No.5 CLAIM PAID DATA."

Produce copies of all documents related to each item within the scope of Request No.5. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and describe the method Volvo used for organizing the documents.

6. For each claim denied in question number 3 and 5, provide the following information:
 - a. Volvo's claim number and reason for the claim being denied;
 - b. Vehicle owner or fleet name (and fleet contact person) and telephone number;
 - c. VIN, body or serial number;
 - d. Concern stated by customer;
 - e. How was the bus repaired and date of repair;
 - f. Vehicle mileage at time of repair;
 - g. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
 - h. Labor operation number;
 - i. Problem code;
 - j. Replacement part number(s) and description(s); and
 - k. Comment, if any, by dealer/technician relating to claim and/or repair.

Provide this information in Excel, or a compatible format, entitled "Response to No.6 CLAIM DENIED DATA."

7. Describe in detail the search criteria used by Volvo to identify the claims identified in response to Request No.3 and 5, including the labor operations, problem codes, part numbers and any other pertinent parameters used. Provide a list of all labor operations, labor operation descriptions, problem codes, and problem code descriptions applicable to the alleged defect in the subject vehicles
8. Describe how Volvo first became aware of the alleged defect and state the date on which Volvo first became aware of the possibility of the alleged defect. Provide a detailed chronology of all events regarding the subject defect starting from the time Volvo first became aware of this issue to present. Include all information including internal meetings, meetings with suppliers, other manufacturers, and owners/fleet owners.
9. State the new warranty coverage offered by Volvo regarding the hood of the subject tractors. Describe any extended warranty coverage option(s) related to the alleged defect that Volvo offered for the subject vehicles related to the alleged defect.
10. Produce copies of all service bulletins, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject tractors, that Volvo has issued to any manufacturer, dealers, regional or zone offices, field offices, fleet purchasers, or other entities. This includes, but is not limited to, bulletins, advisories, informational documents, training documents, or other documents or communications, with the

exception of standard shop manuals. Also, state the date in which these documents were issued, to whom, and the date they were submitted to NHTSA in accordance with applicable regulations, such as CFR. 579.5. Furthermore, include the latest draft copy of any communication that Volvo is planning to issue. Separately, identify and describe what precipitated each document.

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 tractors that have been conducted, are being conducted, are planned, or are being planned by, or for, Volvo, and including any actions being conducted by any supplier of the hood components. 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 date.

13. Describe all modifications or changes made by Volvo, or on behalf of Volvo, in the design, material composition, manufacture, quality control, supply, or installation of the subject hood installed in the subject tractors, from the start of the model year of the subject vehicles to present date, which relate to, or may relate to, the alleged defect in the subject tractors. For each such modification or change, provide the following information:
 - a. The date or approximate date on which the modification or change was incorporated into the tractors;
 - b. A detailed description of the modification or change;
 - c. The reason(s) for the modification or change;
 - d. The part numbers (service and engineering) of the original component;
 - e. The part number (service and engineering) of the modified component;
 - f. Whether the original unmodified component was withdrawn from production and/or sale, and if so, when;
 - g. When the modified component was made available as a service component; and,
 - h. Whether the modified component can be interchanged with earlier production components.

Also, provide the above information for any modification or change that Volvo is aware of which may be incorporated into vehicle production within the next 120 days.

14. Furnish Volvo's assessment of the alleged defect in the subject vehicle 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. What warnings, if any, the operator and the other persons both inside and outside the vehicle would have that the alleged defect was occurring or subject component was malfunctioning.

15. Furnish a copy of all documents not specifically requested herein, which Volvo believes are relevant to, or which were used in formulating its assessment of, the alleged defect.

16. Identify what action Volvo intends to take on this issue.

This letter is being sent to Volvo 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. Volvo's failure to respond promptly and fully to this letter could subject Volvo 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 \$16,050,000 for a related series of violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. See 49 CFR 578.6 (as amended by 69 Fed. Reg. 57864 (Sept. 28, 2004)). This includes failing to respond to ODI information requests.

If Volvo cannot respond to any specific request or subpart 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, Volvo does not submit one or more requested documents or items of information in response to this information request, Volvo must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, 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.

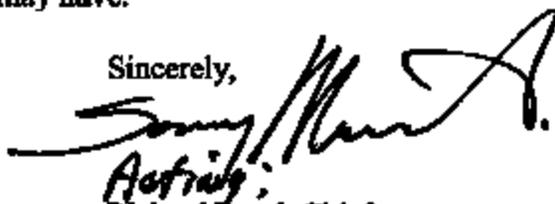
Your response to this letter, in duplicate, must be submitted to this office by **December 22, 2005**. Please include in your response the identification codes referenced on page one of this letter. If you find that you are unable to provide all of the information requested within the time allotted, you must request an extension from Richard Boyd at

(202) 366-4933 no later than five business days before the response due date. If you are unable to provide all of the information requested by the original deadline, you must submit a partial response by the original deadline with whatever information you then have available, even if you have received an extension.

If Volvo 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, Volvo must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512, to the Office of Chief Counsel (NCC-30), National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, S.W., Washington, D.C. 20590. Volvo is required to submit two copies of the documents containing the purportedly 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 contact Sonny Murianka of my staff at (202) 366-5196 upon receipt of this letter. Mr. Murianka will address any technical questions concerning this matter during the course of this investigation that you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Boyd", with a large, stylized flourish extending to the right.

Richard Boyd, Chief
Medium and Heavy Truck Division
Office of Defects Investigation