

VIA ELECTRONIC MAIL

September 22, 2023

Cem Hatipoglu, Ph.D.
Acting Associate Administrator for Enforcement
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Docket NHTSA-2023-0038; Request to Extend Written Submission Deadline

Dear Dr. Hatipoglu:

We, the undersigned motor vehicle and motor vehicle equipment manufacturers (jointly, the “Manufacturers”), write with respect to the Initial Decision That Certain Frontal Driver and Passenger Air Bag Inflators Manufactured by ARC Automotive Inc. and Delphi Automotive Systems LLC Contain a Safety Defect (the “Initial Decision”). The Initial Decision was first provided to us on September 5, 2023, and published in the Federal Register on September 8, 2023. *See* 88 F.R. 62140. In conjunction with that Initial Decision, pursuant to 49 U.S.C. § 30118(b)(1) and 49 C.F.R. § 554.10(b), NHTSA scheduled a public meeting to take place on October 5, 2023, with a corresponding October 20, 2023, deadline to provide associated written submissions with information, views, and arguments on the issue of whether the subject airbag inflators contain a safety defect. 88 F.R. at 62146.

The Manufacturers hereby request that NHTSA extend the October 20, 2023, written submission deadline by 45 days to **December 4, 2023**. The requested rescheduling is necessary to provide the Manufacturers a fair and reasonable opportunity to present information, views and argument regarding the information on which the Initial Decision is based, consistent with their rights under the Vehicle Safety Act and their long-standing commitment to the safety of their customers. This additional time is necessary for at least two reasons, and there is therefore “good cause” to grant this extension. 49 C.F.R. § 554.10(b).

First, the Initial Decision was based on NHTSA’s investigative file, *see* 49 C.F.R. § 554.10(a)-(b), and that file was made available to the manufacturers through a secure file transfer protocol on August 24, 2023. The investigative file is enormous. It encompasses nearly 700 gigabytes of data with over 100,000 files, many of which contain complex compilations of data provided by ARC Automotive (“ARC”) and 20 other vehicle and equipment manufacturers. Indeed, the sheer size of the data transferred, coupled with slow download times, required days just to complete the download, reducing the limited time allotted by NHTSA to the Manufacturers to develop any views on the data. NHTSA’s investigation has been open for more than eight years, yet it has allowed the Manufacturers just six weeks to review this large file. The Manufacturers simply need more time to make it through the vast amount of material provided so that they have a meaningful opportunity to evaluate the record.

Second, though the Manufacturers’ review of NHTSA’s investigative file is ongoing, what they have reviewed to date suggests that certain materials are missing from the investigative file. This includes:

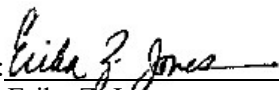
1. In its May 11, 2023, reply to NHTSA’s Recall Request Letter in this matter, ARC described its response to the April 7, 2017, Special Order issued by NHTSA in investigation EA16-003. Specifically, ARC described having produced approximately two *terabytes* of data in that production (*see* May 11 response, p. 7), which alone is nearly three times the volume of data provided by NHTSA in its investigative file transmission on August 24. It appears that a significant portion of the ARC Special Order production—or perhaps all of it—may have been omitted from the investigative file.

2. In July 2015, during the course of its investigation in PE15-027, NHTSA issued two Standing General Orders (the “2015 SGOs”) requiring vehicles manufactures and original equipment suppliers of air bag module and inflators to report to NHTSA information about any inflator field ruptures. *See* Standing General Orders 2015-01 and 2015-01A. Those orders were superseded and clarified in August 2015, *see* Standing General Orders 2015-02 and 2015-02A, but the core requirement to provide NHTSA information about field ruptures of airbag inflators remained unchanged. Those two SGOs remain in effect today, and they are expressly referenced in the Initial Decision. 88 F.R. at 62143. While the Manufacturers have located certain information pertaining to the Standing General Orders that NHTSA issued to ARC in 2016 and 2017, it appears that some information provided by ARC or other equipment manufacturers in connection with the 2015 SGOs may be missing.

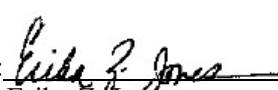
To the extent that any of the above-referenced have not been provided, the Manufacturers request that they be provided by the close of business on September 29, 2023. The Manufacturers will provide a request for supplementation as to any additional materials that appear to be missing based on their continuing review. And while the Manufacturers currently estimate that the requested 45-day extension will be sufficient to facilitate their review of the information on which the Initial Decision is based, they reserve the right to request a further extension of time to submit any written commentary once any missing information has been provided.

We appreciate your consideration and look forward to your prompt response.

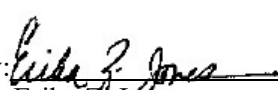
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