

Memorandum



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



Subject: Meeting with
Volkswagen Group of America, Inc.

Date: February 26, 2024

From: Allison Hendrickson
Trial Attorney
Litigation and Enforcement

Reply to NCC-100
Attn. of:

To: Docket No. NHTSA-2023-0038;
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

On December 13, 2023, Volkswagen Group of America (VWGoA) had a virtual discussion with NHTSA regarding the above-referenced proceeding at VWGoA's request.

The following is a list of meeting attendees from NHTSA and VWGoA.

NHTSA: Eileen Sullivan, Tanya Topka, Sharon Yukevich, Ashley Simpson, and Allison Hendrickson

VWGoA: Brian Kapatkin, Antony Klapper, Chris Sandvig, and Jeffrey Rosen (Outside Counsel for VWGoA).

VWGoA provided a presentation, which it indicated was intended to summarize its anticipated written submission related to the above-referenced proceeding. A copy of the presentation is enclosed.

Enclosure

**Volkswagen Group of America/NHTSA
Meeting on ARC Inflators**

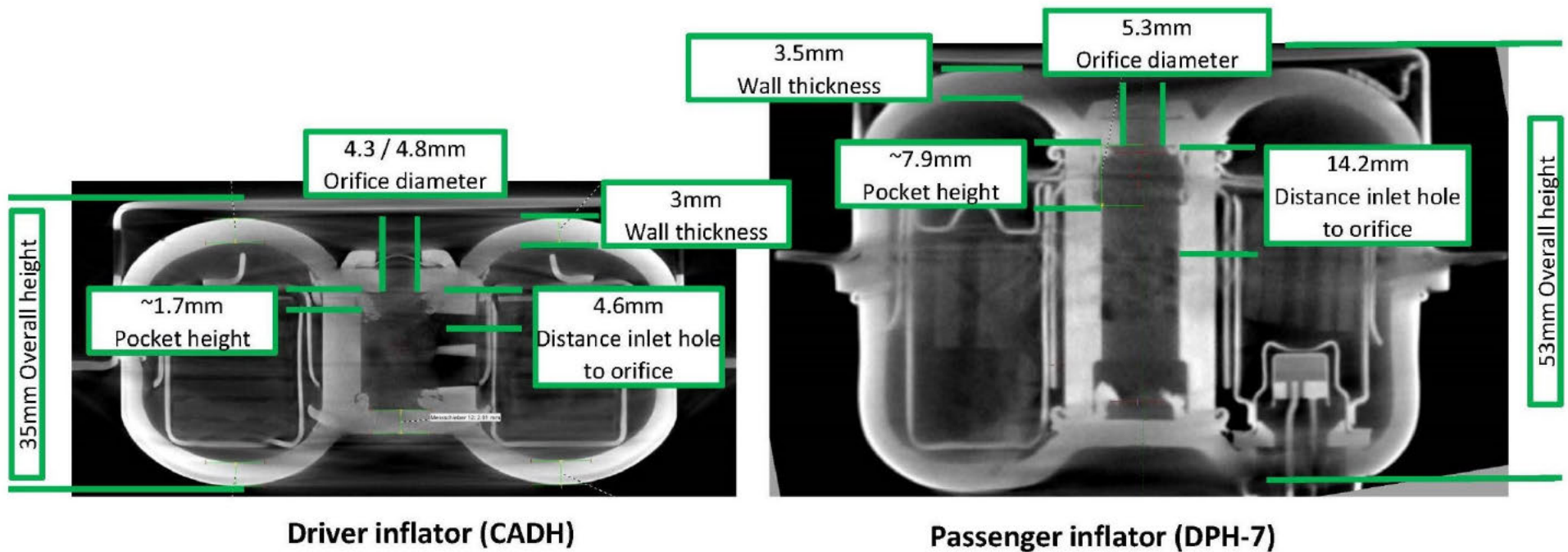
December 13, 2023

Classification: PUBLIC

Overview

- There are material differences between ARC passenger-side and driver-side inflators.
- Using NHTSA's statistical methodology, zero future ruptures are predicted in VW and Audi vehicles.
- Initial Decision is inconsistent with applicable precedent.
- There are important differences from the Takata recall.

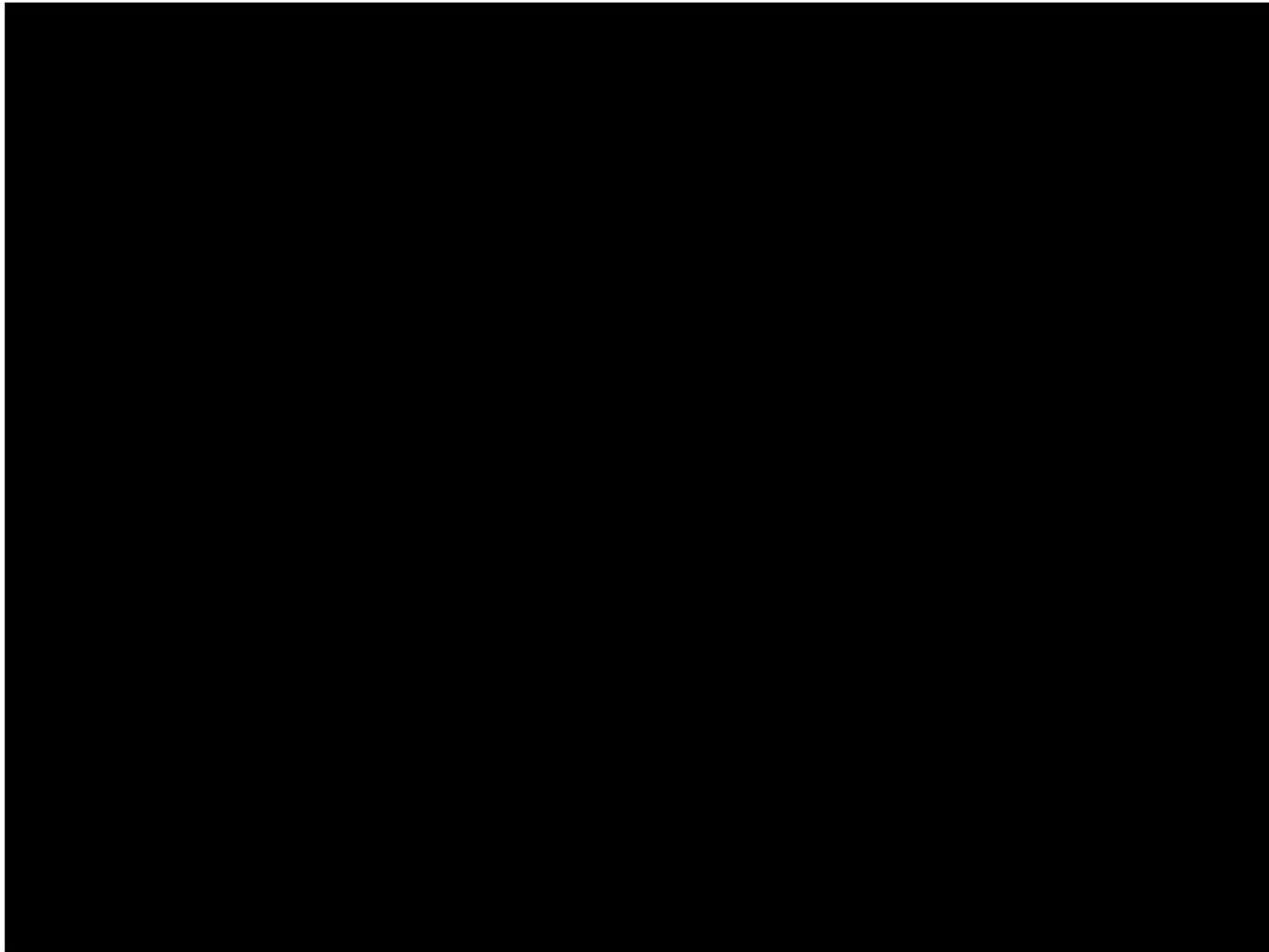
Example Design Differences Between ARC Passenger-Side and Driver-Side Inflators



This Page Contains Confidential Business Information

VOLKSWAGEN
GROUP OF AMERICA

Example Design Differences Between ARC Passenger-Side and Driver-Side Inflators



Statistical Analysis

Using NHTSA's statistical methodology, zero future ruptures are predicted in VW and Audi vehicles.

- Dr. Glassbrenner's testimony did not quantify future ruptures.
- Application of Dr. Glassbrenner's methodology to calculate future ruptures for VW and Audi vehicles results in zero future ruptures.

Initial Decision is Inconsistent with Applicable Precedent

- A single prior passenger-side incident is *de minimis* as a matter of law.
- Have not met requirements of Wheels, Pitman Arms and X-Car.