



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

MAR 10 2003

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

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

William E. Washington  
P.O. Box 270  
Mount Pleasant, MI 48804-0272

Re: Freedom of Information Act ("FOIA") Request

Dear Mr. Washington:

This is in further response to your letter dated November 7, 2002, in which you requested under the Freedom of Information Act (FOIA), 5 U.S.C. § 552(b), records regarding seven numbered categories of information. In a telephone conversation on December 12, 2002, with Stanley Stewart of my staff, you clarified your request and indicated that you were willing to pay any fees assessed, up to \$1500.00. Pursuant to that conversation, we understand that you are seeking records regarding the following:

1. All approvals granted by the National Highway Traffic Safety Administration (NHTSA) to manufacturers of antilock brake systems that have been tested by NHTSA.
2. Copies of correspondence, from January 1, 1999 to the present, between NHTSA and Bendix, WABCO, Midland, Bosch or Rockwell, manufacturers of electronic antilock brake systems.
3. Copies of any correspondence between John Womack, Otto Matheke, Jeff Woods, James Jones or any other NHTSA employee and any of the manufacturers of antilock brake systems listed in item 2 above.
4. Copies of any correspondence between any NHTSA employee and any participant of the following contracted tests: DOT HS 807 846 – March 1992, DOT HS 808 059 – October 1993 or DOT HS 808 568 – April 1997.
5. The costs of the following NHTSA tests: DOT HS 807 846 – March 1992, DOT HS 808 059 – October 1993, and DOT HS 808 [568] – April 1997.
6. Copies of test data generated by NHTSA in the testing of pneumatic, hydraulic, optical or mechanical antilock brake systems that are designed for air brakes.



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7. Copies of any correspondence between NHTSA, John Womack, Otto Matheke, Jeff Woods, James Jones and any manufacturer of electronic antilock brake systems regarding the pneumatic antilock brake system known as the MSQR-5000®.

In response to your request, NHTSA has conducted a thorough search in the Office of Defects Investigation, Office of Vehicle Safety Compliance, Office of Contracts and Procurement, Office of Vehicle Safety Research and Office of Chief Counsel, with the following results:

- In response to item 1, no approvals have been granted to manufacturers of antilock brake systems by the agency. NHTSA issues standards and regulations, with which manufacturers of motor vehicle equipment must comply. However, the agency does not "approve" products; rather, manufacturers must self-certify that their products meet Federal requirements.
- In response to item 2, we have located and are enclosing 23 pages of email communications between a NHTSA staff engineer and representatives of the automotive air brake system industry. Despite a diligent search, no other correspondence was located between the agency and the listed manufacturers during this time period. Likewise, in response to items 3 and 4, no correspondence was located between the agency employees identified and any of these manufacturers, or between any NHTSA employee and any participant of the contracted tests that you listed.
- In response to item 5, the combined cost for DOT HS 807-846 (March 1992) and DOT HS 808 059 (October 1993) was \$6,333,369.00. No records were found pertaining to the cost of DOT HS 808 568 (April 1997).
- In response to item 6, we have located 867 pages of responsive records containing test data generated by NHTSA in the testing of antilock brake systems that are designed for air brakes. These pages are enclosed.

In addition, 65 pages of materials pertaining to Brake Evaluation (M915A1/M872) have been withheld. These materials were developed by the U.S. Army Material Command, U.S. Army Combat Systems Test Activity, Aberdeen Proving Ground, Maryland 21005-5059. If you are interested in receiving these materials, you should request them directly from the U.S. Army Material Command. No other materials responding to item 6 of your request have been withheld from disclosure.

- Finally, in response to item 7, we have located one letter dated June 4, 2001, from Mr. John Womack, Office of Chief Counsel, to MAC Trailer Manufacturing Inc, and one undated letter from John Womack, to your attorney, Re: Air Brake Systems, Inc., c/o David M. Lick, Esq. of Loomis, Ewert, Parsley, Davis and Gotting. These records are enclosed. There are no redactions.

The cost for this information is \$334.50. Pursuant to the provisions of 49 C.F.R. Part 7, this fee represents six hours of search time at a cost of \$36.00 per hour plus ten cents per page for the enclosed materials. Please remit a check, made payable to the Treasurer of the United States, to the National Highway Traffic Safety Administration, Budget and Finance, Room 5208, 400 Seventh Street, SW, Washington, D.C. 20590, with the annotation "FOIA/NCC-113" FOIA 2394 on the bottom of the check.

I am the person responsible for this decision. If you wish to appeal this decision, you may do so by writing to the Chief Counsel, National Highway Safety Traffic Administration, 400 Seventh Street, SW, Washington, D.C. 20590. Your appeal must be submitted within 30 days after you receive this determination. It should contain any information and argument upon which you rely. The decision of the Chief Counsel will be administratively final.

Sincerely

A handwritten signature in cursive script, appearing to read "Heidi L. Coleman".

Heidi L. Coleman  
Assistant Chief Counsel

Enclosures