



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

Memorandum

Date: December 19, 2005

TO : Cathy Irish, Epidemiology
FROM : Richard Stern, Office of Compliance *RS*
SUBJECT : Incident Data Submitted under Sec. 15(b)

The attached information was submitted pursuant to Section 15(b), CPSA, and is subject to disclosure provisions of Section 6.

Firm:	Dell, Inc.
Address:	One Dell Way Round Rock, TX 78682
Product:	Battery pack for Dell notebook computers
Model or other identifying information:	Li-Ion battery pack used with certain Dell Latitude, Inspiron and Precision model notebook computers
Incidents involve:	Overheating of the battery/computer with minor thermal damage to the computer and possibly adjacent objects.

Attachment:
Dell-supplied incident summary

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U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

OCT 25 2005

OFFICE OF COMPLIANCE
Recalls and Compliance Division
Email: rstem@cpsc.gov

Richard L.
Acting Associate Director
Tel: 301-504-
Fax: 301-504-

Certified Mail/Telecopy: (202) 719-7049

John A. Hodges, Esq.
Wiley Rein & Fielding LLP
1776 K Street, NW
Washington, DC 20006

Re: CPSC File No. RP060029
Dell, Inc.
Sony Battery Pack for Certain Latitude and Inspiron Computers

Dear Mr. Hodges:

Thank you for your report of October 24, 2005 under section 15(b) of the Consumer Product Safety Act, as amended (CPSA), 15 U.S.C. § 2064(b). In your report, you identified a potential problem with certain battery packs manufactured by Sony Corporation for use in Dell, Inc. ("Dell" or the "firm") Latitude and Inspiron notebook computers. Specifically, you reported that Dell was aware of two (2) reports of these batteries overheating in the United States.

You also noted that the firm is still conducting its investigation into the reported problem, but should it be determined that a product recall is warranted, Dell wishes to participate in the Commission's Fast Track Product Recall Program. This program, formerly called the No Preliminary Determination (No PD) Program, is described in the Federal Register of July 24, 1997. To participate in this program, the firm must initiate an acceptable corrective action plan no later than November 22, 2005, and you must also provide all of the information required to be included in a full report described at 16 C.F.R. § 1115(13)(d). If you have not done so already, we request that you provide a copy of your proposed corrective action plan (CAP), including all draft notice material, as soon as possible, but no later than November 7, 2005. To assure that the staff is able to evaluate the adequacy of the firm's proposed CAP prior to its initiation, please submit the requested full report information along with the proposed CAP.

When the corrective action program begins, the Office of Compliance will monitor the progress of the recall. The staff requests that the firm provide a list of retailers and distributors to

whom your firm sold the product. The list should include firm name, address, and, if available, the number of units shipped to each firm. Please provide the list sorted by postal zip code or state.

Information Disclosure

Section 6(b)(5) of the CPSA, 15 U.S.C. § 2055(b)(5), prohibits the release of information submitted under section 15(b) of the CPSA unless a remedial action plan has been accepted in writing, a complaint has been issued, or a firm consents to such release.

If the firm submits any information that it considers to be a trade secret, or confidential commercial or financial information, it must mark it "confidential" in accordance with section 6(a)(3) of the CPSA, as amended, 15 U.S.C. § 2055(a)(3). The Commission may not disclose to the public trade secret information or proprietary commercial or financial data. If the firm does not request confidential treatment at the time of its submission, or within ten days thereafter, the staff will assume that it does not consider information in the submission to be a trade secret or otherwise exempt from disclosure under section 6(a) of the CPSA and the Freedom of Information Act, 5 U.S.C. § 552(b)(4).

Continuing Obligation

The firm has a continuing obligation to supplement or correct its "Full Report." If, after filing the "Full Report," the firm receives or learns of information concerning other incidents or injuries, or information that affects the scope, prevalence or seriousness of the defect or hazard, it must report that information to this Division immediately.

If you seek assistance or if you have any questions, you may contact me by telephone on 301-504-7620. For all overnight and/or direct delivery services, please address the material to Office of Compliance, U.S. Consumer Product Safety Commission, Room 613, 4330 East West Highway, Bethesda, MD 20814-4408. The Office of Compliance telefax number is (301) 504-0359.

Sincerely,



Richard L. Stern
Acting Associate Director
Recalls and Compliance Division



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

OFFICE OF COMPLIANCE
Recalls and Compliance Division
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DEC 20 2005

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John A. Hodges, Esq.
Wiley Rein & Fielding LLP
1776 K Street, NW
Washington, DC 20006

Re: CPSC File No. RP060029
Dell, Inc.
Battery Pack for Certain Latitude and Inspiron Notebooks

Dear Mr. Hodges:

Thank you for your full report of November 10, 2005 and subsequent submissions under section 15(b) of the Consumer Product Safety Act, 15 U.S.C. § 2064(b), and for promptly initiating a corrective action plan to address the reported problem. In your report, submitted on behalf of Dell, Inc. ("Dell or the "firm") you indicated that some lithium-ion battery cells manufactured for Dell could contain contaminants that create an internal short-circuit. An internal short-circuit could result in excessive heat, smoke, or flames in the battery pack and possibly beyond, creating a risk of thermal burn.

The staff of the Office of Compliance of the U.S. Consumer Product Safety Commission has reviewed the actions proposed by Dell, Inc. concerning the subject battery packs. Acting under delegation from the Commission, the staff has accepted the plan as adequate. The recall plan accepted by the staff includes the following actions:

- Stopped distribution of recalled battery packs;
- Send direct notice of this recall program, where possible, to consumers identified as possessing recalled battery packs;
- Place notice of this recall program on the firm's website and provide for online verification and registration for consumers;
- Provide affected consumers with a replacement battery pack at no cost to the consumer;

- Negotiate the language of a joint press release to be issued by the CPSC to reach consumers whose identities are unknown;
- Provide a Monthly Progress Report to the CPSC updating the staff on the effectiveness of this recall program;
- Renegotiate this corrective action plan should the CPSC staff determine the effectiveness to be less than adequate.

Please continue the corrective actions implemented and initiate any others contained in the plan accepted by the staff. The Office of Compliance will be monitoring the firm's corrective action plan. Please submit **monthly** progress reports of the recall, using the enclosed form, to U.S. Consumer Product Safety Commission, Office of Compliance, Judy Smith, 4330 East West Highway, Room 613, Bethesda, MD 20814-4408 by the first of each month or fax to (301) 504-0359. If you have any questions, please contact Judy Smith on (301) 504-7525. **Please reference the CPSC file number in your response.**

When your firm determines the corrective action plan has been implemented to the best of its ability and as many products as possible have been removed from the marketplace, it may submit a final progress report, referencing the file number, and request that the file be closed. At that time the staff will review the plan's progress and decide whether the file should be closed. The Office of Compliance will evaluate the effectiveness of the plan. The staff could seek broader corrective action if the corrective action plan does not prove effective. When the staff closes its file on a recall, we ask that the firm continue its corrective action program until as many products as possible have been removed from the marketplace. Please continue to maintain your toll-free recall number as a means for consumers to reach you about your recall. Should the firm decide to change or discontinue its toll-free recall number, you must notify the Division of Recalls and Compliance and provide a new recall contact number for the firm. If the firm wishes to change the terms of the recall you must also discuss any proposal with us before it makes any change. This information will be maintained by CPSC and provided to consumers and others seeking information on your recall.

If the firm receives or learns of any information concerning other incidents or injuries, or information affecting the scope, prevalence or seriousness of the reported problem, it must report that information to this Office immediately. Additionally, if the firm receives information that might indicate that its corrective actions are not satisfactory in eliminating the problem or that the effectiveness of the corrective action program is less than has been anticipated, it must report that information to the Division of Recalls and Compliance immediately.

Section 6(b)(1) requires the Commission to give notice thirty days in advance of the intended disclosure of information that identifies the manufacturer or private labeler of a product. The staff is enclosing a summary of the corrective action plan which may be made public by the Commission. This letter gives the firm its opportunity under section 6(b)(1) of the Consumer Product Safety Act (CPSA), 15 U.S.C. § 2055(b)(1), and 16 C.F.R. Part 1101, to comment on the accuracy of the information.

The staff will also investigate and assess whether it believes the firm has complied with the reporting requirements of Section 15(b) of the CPSA, 15 U.S.C. § 2064(b). That section

requires every manufacturer, importer distributor, and retailer of a consumer product who obtains information which reasonably supports the conclusion that the product (1) contains a defect which could create a substantial product hazard, (2) creates an unreasonable risk of serious injury or death, or (3) fails to comply with an applicable consumer product safety rule immediately to inform the Commission of the defect, risk or violation unless the firm has actual knowledge that the Commission has been adequately informed of the defect, risk or violation. See 16 C.F.R. Part 1115. The CPSA makes it a prohibited act to violate the reporting requirement. Firms may be liable for a civil penalty of \$8000 for each product involved up to a maximum of \$1,825,000 for any related series of violations. Sections 15(b), 19(a)(4), 20 and 21 of the CPSA, as amended, 15 U.S.C. § 2064(b), § 2068(a)(4), § 2069 and § 2070, describes the obligation of manufacturers, importers distributors and retailers to furnish information to the Commission and the penalties for failing to furnish such information.

The staff has made every effort to assure that the enclosed information is accurate. If, however, the firm believes that the information is not accurate, please send comments to me. The firm's comments must be received within twenty-three calendar days of your receipt of this certified letter if they are to be considered. Please include with any comments specific information to support any claim that the information is not accurate. If the Commission decides to disclose the information, unchanged, over any accuracy objections, it will give the firm ten (10) working days notice, as required by section 6(b)(2) of the CPSA, 15 U.S.C. § 2055(b)(2).

Thank you for your continued cooperation in this matter. If you have any questions, please contact me at 301-504-7620.

Sincerely,



Richard L. Stern
Acting Associate Director
Recalls and Compliance Division

Enclosures:

Corrective Action Summary
Progress Report Form

cc: Judith Hayes, CRC
Judy Smith, CRC

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**Voluntary Corrective Action Plans Under
Section 15 of the Consumer Product Safety Act and
Section 15 of the Federal Hazardous Substances Act**

DATE	FIRM AND PRODUCT	ALLEGED HAZARD	REMEDY
12/05	Dell, Inc. Round Rock, TX Battery pack for Dell-brand notebook computer models Latitude D410, D505, D510, D600, D610, D800, D810; Inspiron 510M, 600M, 6000, 8600, 9200, 9300, XPS Gen 2; Precision M20 and M70.	Possible contamination in the battery cell can result in an internal short-circuit, overheating, and creation of a thermal burn hazard.	Affected consumers will receive a replacement battery pack at no cost.

PRODUCT IDENTIFICATION

Sub 1: TYPE Y4367 bar code JP-OC5340-48330-527-06WX REV. A00 Made in Japan. UL Listed MH29583

Sub 2: TYPE C1295 bar code JP-OC2603-48330-55S-3DBQ REV.A03 Made in Japan UL Listed 13C1 E73362

Sub 3: TYPE W6617 bar code JP-OU5867-48330-57T-1XJH REV.A04 Made in Japan UL Recognized MH29583

Sub 4: TYPE Y6142 bar code JP-OX5308-48330-597-72LE REV.A04 Made in Japan UL Recognized MH29583

Sub 5: TYPE D5318 bar code JP-OF5132-48330-54K-477Q REV.A00 Made in Japan UL Listed MH29583