

OCT 14 2003

NVS-216 mec
Ref. # 10042515

Columbus, GA

Dear

Thank you for your correspondence dated September 23, 2003, concerning problems you have experienced with your model year (MY) 1999 Mercedes-Benz ML430 sport utility vehicle (SUV). We received your correspondence on October 2, 2003.

The National Highway Traffic Safety Administration (NHTSA) is the Federal agency responsible for improving safety on our Nation's highways. We are authorized to order manufacturers to recall and repair vehicles or items of motor vehicle equipment when our investigations indicate that they contain serious safety defects in their design, construction, or performance. In order for the agency to initiate an investigation, we look carefully at the body of consumer complaints and other available data to determine whether a defect may exist. We cannot act on isolated problems or resolve disputes between individual owners, dealers, or manufacturers.

We appreciate this report and the previous report (Reference No. 10031122) you submitted while visiting NHTSA's Internet Web site on August 8, 2003. Reports from motorists are a very important source of information for us. Each report is analyzed and entered into a database to determine whether an investigation into a possible defect is warranted.

Information submitted by vehicle owners using Vehicle Owner's Questionnaires (VOQs) are automatically entered into our consumer complaint database, and data is then available to NHTSA's Office of Defects Investigation investigators for review and analysis to determine whether an investigation is warranted. Due to the volume of VOQs received and limited agency resources, NHTSA cannot respond to the submitters of these questionnaires. We apologize for any confusion this may have caused you.

Clearly, transmission failure and the cost of its replacement is frustrating. While frustrating, the type of transmission problem you described is not related to motor vehicle safety within the meaning of our authorizing statute. The agency has no jurisdiction over non-safety defects, warranty, and remuneration matters. The Federal Trade Commission (FTC) has jurisdiction over these issues. There are three ways you can contact the FTC: by toll free

telephone at 1-877-FTC-HELP (1-877-382-4357); by mail at Federal Trade Commission, CRC-240, Washington, DC 20580; and by using the Internet complaint form at <http://www.ftc.gov/ftc/complaint.htm>.

Further, a review of our database relative to problems associated with the brake system, specifically the rupture of brake lines, in MY 1999 Mercedes-Benz ML430 SUVs revealed no other report similar to the problem you experienced; therefore, there is insufficient evidence to warrant opening a safety defect investigation at this time. The information you provided has been entered into our database. It will be considered with other reports to identify safety defect trends that may require our attention.

We sympathize with the problem you experienced with the catalytic converter in your MY 1999 Mercedes-Benz ML430 SUV; however, this does not fall under our jurisdiction. Automobile emission problems should be directed to the Environmental Protection Agency (EPA). You may contact the EPA by writing to:

Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Mail Code 3213A
Washington, DC 20460

If further assistance is needed, please contact Mr. Alberto A. Jimenez, Chief, Correspondence Research Division, Office of Defects Investigation, at (202) 366-5211.

Sincerely,



Kathleen C. DeMeter, Director
Office of Defects Investigation
Enforcement

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