



U.S. Department  
of Transportation

National Highway  
Traffic Safety  
Administration

AUG 5 2003

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

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Stephen J. Speth, Director  
Vehicle Compliance and Safety Affairs  
DaimlerChrysler Corporation  
800 Chrysler Drive - CIMS 482-00-91  
Auburn Hills, MI 48326-2757

NVS-213cat  
EA02-029

Dear Mr. Speth:

As you are aware, on October 16 2002, the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) upgraded Preliminary Evaluation PE02-045 of alleged hood latch assembly failures in model year (MY) 1997 Jeep Grand Cherokee vehicles to Engineering Analysis EA02-029. As part of this investigation, this letter requests additional information from Daimler-Chrysler Corporation.

Since the opening of Preliminary Evaluation PE02-045, ODI has received five (5) reports of hood latch assembly failures in model year (MY) 1997 Jeep Grand Cherokee vehicles. A copy of each of the reports is enclosed for your information.

Unless otherwise stated in the text, the following definitions apply to these information requests:

- **Subject vehicles:** all model year (MY) 1997 Jeep Grand Cherokee vehicles manufactured for sale or lease in the United States.
- **Subject component:** all hood latch assemblies manufactured for use on the subject vehicles.
- **Daimler-Chrysler:** Daimler-Chrysler Corporation, all of its past and present officers and employees, whether assigned to its principal offices or any of its field or other locations, including all of its divisions, subsidiaries (whether or not incorporated) and affiliated enterprises and all of their headquarters, regional, zone and other offices and their employees, and all agents, contractors, consultants, attorneys and law firms and other persons engaged directly or indirectly (e.g., employee of a consultant) by or under the control of Daimler-Chrysler (including all business units and persons previously referred to), who are or were involved in any way with any of the following related to the alleged defect in the subject vehicles:



DOT AUTO SAFETY HOTLINE  
1-888-DASH-2-DOT

- a. Design, engineering, analysis, modification or production (e.g. quality control);
  - b. Testing, assessment or evaluation;
  - c. Consideration, or recognition of potential or actual defects, reporting, record-keeping and information management, (e.g., complaints, field reports, warranty information, part sales), analysis, claims, or lawsuits; or
  - d. Communication to, from or intended for zone representatives, fleets, dealers, or other field locations, including but not limited to people who have the capacity to obtain information from dealers.
- **Alleged defect:** the failure, malfunction, or other unsatisfactory performance of the primary and secondary hood latches, including the failure of the hood latches to secure the hood during vehicle motion.
  - **Document:** "Document(s)" is used in the broadest sense of the word and shall mean all original written, printed, typed, recorded, or graphic matter whatsoever, however produced or reproduced, of every kind, nature, and description, and all non-identical copies of both sides thereof, including, but not limited to, papers, letters, memoranda, correspondence, communications, electronic mail (e-mail) messages (existing in hard copy and/or in electronic storage), faxes, mailgrams, telegrams, cables, telex messages, notes, annotations, working papers, drafts, minutes, records, audio and video recordings, data, databases, other information bases, summaries, charts, tables, graphics, other visual displays, photographs, statements, interviews, opinions, reports, newspaper articles, studies, analyses, evaluations, interpretations, contracts, agreements, jottings, agendas, bulletins, notices, announcements, instructions, blueprints, drawings, as-builts, changes, manuals, publications, work schedules, journals, statistical data, desk, portable and computer calendars, appointment books, diaries, travel reports, lists, tabulations, computer printouts, data processing program libraries, data processing inputs and outputs, microfilms, microfiches, statements for services, resolutions, financial statements, governmental records, business records, personnel records, work orders, pleadings, discovery in any form, affidavits, motions, responses to discovery, all transcripts, administrative filings and all mechanical, magnetic, photographic and electronic records or recordings of any kind, including any storage media associated with computers, including, but not limited to, information on hard drives, floppy disks, backup tapes, and zip drives, electronic communications, including but not limited to, the Internet and shall include any drafts or revisions pertaining to any of the foregoing, all other things similar to any of the foregoing, however denominated by Daimler-Chrysler, any other data compilations from which information can be obtained, translated if necessary, into a usable form and any other documents. For purposes of this request, any document which contains any note, comment, addition, deletion, insertion, annotation, or otherwise comprises a non-identical copy of another document shall be treated as a separate document subject to production. In all cases where original and any non-identical copies are not available, "document(s)" also means any identical copies of the original and all non-identical copies thereof. Any document, record, graph, chart, film or photograph originally produced in color must be provided in color. Furnish all documents whether verified by the manufacturer or not. If a document is not in the English language, provide both the original document and an English translation of the document.

- **Other Terms:** To the extent that they are used in these information requests, the terms "claim," "consumer complaint," "dealer field report," "field report," "fire," "fleet," "good will," "make," "model," "model year," "notice," "property damage," "property damage claim," "rollover," "type," "warranty," "warranty adjustment," and "warranty claim," whether used in singular or in plural form, have the same meaning as found in 49 CFR 579.4.

In order for my staff to evaluate the alleged defect, certain information is required. Pursuant to 49 U.S.C. § 30166, please provide numbered responses to the following information requests. Insofar as Daimler-Chrysler has previously provided a document to ODI, Daimler-Chrysler may produce it again or identify the document, the document submission to ODI in which it was included and the precise location in that submission where the document is located. When documents are produced, the documents shall be produced in an identified, organized manner that corresponds with the organization of this information request letter (including all individual requests and subparts). When documents are produced and the documents would not, standing alone, be self-explanatory, the production of documents shall be supplemented and accompanied by explanation.

Please repeat the applicable request verbatim above each response. After Daimler-Chrysler's response to each request, identify the source of the information and indicate the last date the information was gathered.

1. Separately, for each subject vehicle manufactured to date by Daimler-Chrysler, for sale or lease in the United States, state the following:
  - a. Vehicle identification number (VIN);
  - b. Date of manufacture;
  - c. Date warranty coverage commenced; and
  - d. The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease).

Provide the table in Microsoft Access 2000, or a compatible format, entitled "PRODUCTION DATA (INEA02029)." See Enclosure 2, Data Collection Disc, for a pre-formatted table which provides further details regarding this submission.

2. State the number of each of the following, excluding those submitted in Daimler-Chrysler's July 16, 2002 response to PE02-045, received by Daimler-Chrysler, or of which Daimler-Chrysler are otherwise aware, which relate to, or may relate to, the alleged defect in the subject vehicles:
  - a. Consumer complaints, including those from fleet operators;
  - b. Field reports, including dealer field reports;
  - c. Reports involving a crash, injury, or fatality, based on claims against the manufacturer involving a death or injury, notices received by the manufacturer alleging or proving that a death or injury was caused by a possible defect in a subject vehicle, property damage claims, consumer complaints, or field reports;
  - d. Property damage claims; and

- e. Third-party arbitration proceedings where Daimler-Chrysler is or was a party to the arbitration; and
- f. Lawsuits, both pending and closed, in which Daimler-Chrysler is or was a defendant or codefendant.

For subparts "a" through "d," state the total number of each item (e.g., consumer complaints, field reports, etc.) separately. Multiple incidents involving the same vehicle are to be counted separately. Multiple reports of the same incident are also to be counted separately (i.e., a consumer complaint and a field report involving the same incident in which a crash occurred are to be counted as a crash report, a field report and a consumer complaint).

In addition, for items "c" through "f," provide a summary description of the alleged problem and causal and contributing factors and Daimler-Chrysler's assessment of the problem, with a summary of the significant underlying facts and evidence. For items "e" and "f," identify the parties to the action, as well as the caption, court, docket number, and date on which the complaint or other document initiating the action was filed.

3. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 2, state the following information:
  - a. Daimler-Chrysler's file number or other identifier used;
  - b. The category of the item, as identified in Request No. 2 (i.e., consumer complaint, field report, etc.);
  - c. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
  - d. Vehicle's VIN;
  - e. Vehicle's mileage at time of incident;
  - f. Incident date;
  - g. Report or claim date;
  - h. Whether a crash is alleged;
  - i. Whether property damage is alleged;
  - j. Number of alleged injuries, if any;
  - k. Number of alleged fatalities, if any; and
  - l. Summary of alleged incident.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "REQUEST NUMBER TWO DATA (INEA02029)." See Enclosure 2, Data Collection Disc, for a pre-formatted table which provides further details regarding this submission.

4. Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, "actions") that relate to, or may relate to, the alleged defect in the subject vehicles that have been conducted, are being conducted, are planned, or are being planned by, or for, Daimler-Chrysler, other than those identified in Daimler-Chrysler's October 16, 2002 response to PE02-045. For each such action, provide the following information:
  - a. Action title or identifier;
  - b. The actual or planned start date;
  - c. The actual or expected end date;

- d. Brief summary of the subject and objective of the action;
- e. Engineering group(s)/supplier(s) responsible for designing and for conducting the action; and
- f. A brief summary of the findings and/or conclusions resulting from the action.

For each action identified, provide copies of all documents related to the action, regardless of whether the documents are in interim, draft, or final form. Organize the documents chronologically by action.

This letter is being sent to Daimler-Chrysler pursuant to 49 U.S.C. § 30166, which authorizes NHTSA to conduct any investigation that may be necessary to enforce Chapter 301 of Title 49 and to request reports and the production of things. It constitutes a new request for information. Daimler-Chrysler's failure to respond promptly and fully to this letter could subject Daimler-Chrysler to civil penalties pursuant to 49 U.S.C. § 30165 or lead to an action for injunctive relief pursuant to 49 U.S.C. § 30163. (Other remedies and sanctions are available as well.) Please note that maximum civil penalties under 49 U.S.C. § 30165 have increased as a result of the recent enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, Public Law No. 106-414 (signed November 1, 2000). Section 5(a) of the TREAD Act, codified at 49 U.S.C. § 30165(b), provides for civil penalties of up to \$5,000 per day, with a maximum of \$15 million for a related series of violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. This includes failing to respond to ODI information requests.

If Daimler-Chrysler cannot respond to any specific request or subpart(s) thereof, please state the reason why it is unable to do so. If on the basis of attorney-client, attorney work product, or other privilege, Daimler-Chrysler does not submit one or more requested documents or items of information in response to this information request, Daimler-Chrysler must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, the name and position of the person(s) from, and the person(s) to whom it was sent, and the name and position of any other recipient (to include all carbon copies or blind carbon copies), the nature of that information or material, and the basis for the claim of privilege and why that privilege applies.

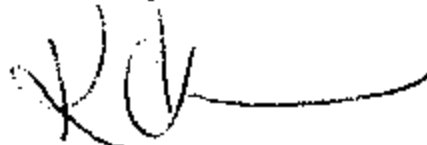
Daimler-Chrysler's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by August 29, 2003. Please refer to EA02-029 in Daimler-Chrysler's response to this letter. If Daimler-Chrysler finds that it is unable to provide all of the information requested within the time allotted, Daimler-Chrysler must request an extension from Jeffrey Quandt at (202) 366-5207 no later than five business days before the response due date. If Daimler-Chrysler is unable to provide all of the information requested by the original deadline, it must submit a partial response by the original deadline with whatever information Daimler-Chrysler then has available, even if an extension has been granted.

If Daimler-Chrysler claims that any of the information or documents provided in response to this information request constitute confidential commercial material within the meaning of 5 U.S.C. § 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, Daimler-Chrysler

must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512, to the Office of Chief Counsel (NCC-113), National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, S.W., Washington, D.C. 20590. Daimler-Chrysler is required to submit two copies of the documents containing allegedly confidential information (except only one copy of blueprints) and one copy of the documents from which information claimed to be confidential has been deleted.

If you have any technical questions concerning this matter, please call Cheryl Tuosto of my staff at (202) 366-1869.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Demeter', with a long horizontal flourish extending to the right.

Kathleen C. Demeter, Office Director  
Office of Defects Investigation  
Enforcement

Enclosure 1, Five (5) Consumer Complaints

Enclosure 2, One CD ROM titled Data Collection Disc containing two files