



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

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

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

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

NVS-213dsy  
EA03-011

Dear Mr. Speth:

This letter is to advise you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has modified the scope of vehicles under investigation in Engineering Analysis (EA) 03-011 based on information obtained and reviewed during this EA and Recall Query (RQ) 03-005. The vehicles being investigated in EA03-011 now include: certain model year (MY) 1995 - 1999 vehicles in the JA and JX vehicle family; certain MY 1993 - 1999 vehicles in the LH vehicle family; and all MY 1997 - 1999 vehicles in the PR vehicle family equipped with automatic transmissions and floor-mounted transmission shift levers.

As you know, EA 03-011 was opened to investigate alleged failures of the ignition-park interlock system on MY 1999 vehicles in the JA and JX families. ODI notes that the MY 1995 - 1998 JA and JX family vehicles were the subject of safety recall 98V-183 which addressed a defect in the ignition-park interlock system. The alleged failures include claims that the vehicles may be shifted out of the park position when the keys are removed from the ignition, and claims that the keys can be removed from the ignition when those vehicles are not in the park gear position. Such failures can result in the vehicles inadvertently rolling away, thereby causing crashes and/or injuries.

ODI has identified 42 reports (6 of which have been previously provided to DaimlerChrysler) in its complaint database alleging ignition-park interlock system failures on MY 1998 - 1999 JA and JX family vehicles, or on MY 1993 and later LH family vehicles. A breakdown of these 42 reports is as follows: Twelve reports, with 5 alleged crashes, involved vehicles from the JA family vehicles, eight reports, with three alleged crashes and one injury, involved vehicles from the JX family vehicles, and twenty-two reports, with 12 alleged crashes and four injuries.



involving the LH family vehicles<sup>1</sup>. In sum, there have been 20 alleged crashes with 5 injuries associated with ignition-park interlock system failures on these DaimlerChrysler vehicles. An electronic copy of each of the reports is included on the enclosed CD ROM for your information.

The 5 injury incidents all involved vehicle roll-aways in which the vehicle was parked with the ignition key removed and the transmission shift lever was subsequently taken out of the Park position. Of note, 4 out of the 5 roll-aways involved children.

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

- **Subject vehicles:**<sup>2</sup> all MY 1993 – 2001 DaimlerChrysler Concorde, Intrepid, LHS, 300M and Eagle Vision vehicles that are part of the LH vehicle family; all MY 1995 – 2000 DaimlerChrysler Breeze, Cirrus, Stratus and Sebring Convertible vehicles that are part of the JA and JX vehicle families; the MY 2001 DaimlerChrysler Sebring Convertible, Sebring Sedan and Stratus Sedan that are part of the JR vehicle family; and all MY 1997 – 2001 DaimlerChrysler vehicles in the PR vehicle family, equipped with automatic transmissions and floor-mounted (console mounted) transmission shift levers. Subject vehicles include only those vehicles that were manufactured for sale or lease in the United States.
- **Subject components:** All parts, components and devices included within the ignition-park interlock system or related to that system installed as original equipment or sold as service parts for use in the subject vehicles. Such components include, but are not limited to, the ignition switch/steering column lock and the transmission shift mechanism and its associated parts (the floor shifter assembly, the shift knob, the interlock cable, etc.).
- **DaimlerChrysler:** DaimlerChrysler 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 DaimlerChrysler (including all business units and persons previously referred to), who are or, in or after 1990, were involved in any way with any of the following related to the alleged defect in the subject vehicles:
  - 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

<sup>1</sup> Five additional VOQ reports involving one MY 2000 JX, one MY 2001 JA, two MY 2000 LH and one MY 2002 LH family vehicles have also been identified, bringing the total count to 47 reports.

<sup>2</sup> In order for ODI to further verify that the scope of vehicles for this investigation is correct, the "subject vehicles" for purposes of this information request include additional model years beyond those included in EA 03-011.

- 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:** Any condition or circumstance in which the ignition key can be removed from the ignition lock when the transmission shift lever is placed in any gear position other than park, or that allows the transmission shift lever to be moved from the park position when the ignition key is removed.
- **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 DaimlerChrysler, 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 DaimlerChrysler 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 DaimlerChrysler has previously provided data or a document to ODI (e.g., in response to RQ03-005), DaimlerChrysler may produce it again or identify the data or document, the submission to ODI in which it was included and the precise location in that submission where it 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 DaimlerChrysler's response to each request, identify the source of the information and indicate the last date the information was gathered.

1. State, by model, model year, type of shift gate, and type of shift knob, the number of subject vehicles DaimlerChrysler has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by DaimlerChrysler, state the following:
  - a. Vehicle identification number (VIN);
  - b. Date of manufacture;
  - c. The type of shift gate the original equipment floor shifter assembly was manufactured with (e.g., 'Thin' or 'Reinforced');
  - d. The type of shift knob the original equipment transmission shift mechanism was manufactured with (e.g., 'T' or 'Cobra' style);
  - e. Date warranty coverage commenced; and
  - f. 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 "ProductionData." See Enclosure 1, EA03-011 Data Submission Disc, for a pre-formatted table which provides further details regarding this submission. DaimlerChrysler's response must adhere precisely to the format defined in this file.

2. State the number of each of the following, received by DaimlerChrysler, or of which DaimlerChrysler is 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;
- e. Third-party arbitration proceedings where DaimlerChrysler is or was a party to the arbitration; and
- f. Lawsuits, both pending and closed, in which DaimlerChrysler 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 DaimlerChrysler's assessment of the problem, with a summary of the significant underlying facts and evidence. For items "f" and "g," 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. DaimlerChrysler'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 make, model and model year;
  - f. Vehicle's mileage at time of incident;
  - g. Incident date;
  - h. Report or claim date;
  - i. Whether a crash is alleged;
  - j. Whether property damage is alleged;
  - k. Number of alleged injuries, if any; and
  - l. Number of alleged fatalities, if any.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "RequestTwoData." See Enclosure 1, EA03-011 Data Submission Disc, for a pre-formatted table which provides further details regarding this submission. DaimlerChrysler's response must adhere precisely to the format defined in this file.

4. Produce copies of all documents within the scope of Request No. 2 that are related to items "c" and "d" only (crash, injury, fatality or property damage claims). Organize the documents separately by category (i.e., crash injury fatality, property damage) and describe the method DaimlerChrysler used for organizing the documents within the category (i.e., by file number, by incident date, etc).

5. State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by DaimlerChrysler to date that relate to, or may relate to, the alleged defect in the subject vehicles: warranty claims; extended warranty claims; claims related to the subject recall, claims for good will services that were provided; field, zone, or similar adjustments and reimbursements; and warranty claims or repairs made in accordance with a procedure specified in a technical service bulletin or customer satisfaction campaign.

Separately, for each such claim, state the following information:

- a. DaimlerChrysler's claim number;
- b. VIN;
- c. Repair date;
- d. Repairing dealer's or facility's ID number and ZIP code;
- e. Vehicle owner or fleet name (and fleet contact person);
- f. Vehicle mileage at time of repair;
- g. Labor operation number;
- h. Problem code;
- i. Concern stated by customer; and
- j. Comment, if any, by dealer/technician relating to claim and/or repair.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "WarrantyData." See Enclosure 1, EA03-011 Data Submission Disc, for a pre-formatted table which provides further details regarding this submission. DaimlerChrysler's response must adhere precisely to the format defined in this file.

6. Describe in detail the search criteria used by DaimlerChrysler to identify the claims identified in response to Request No. 5, including the labor operations, problem codes, part numbers and any other pertinent parameters used. Provide a list of all labor operations, labor operation descriptions, problem codes, and problem code descriptions applicable to the alleged defect in the subject vehicles. State, by make and model year, the terms of the new vehicle warranty coverage offered by DaimlerChrysler on the subject vehicles (i.e., the number of months and mileage for which coverage is provided and the vehicle systems that are covered). Describe any extended warranty coverage(s) that DaimlerChrysler offers for the subject vehicles and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty plan.
7. For the subject LH and PR vehicle families, produce copies in draft or final version of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in those vehicles, that DaimlerChrysler has issued, or is planning to issue within the next 120 days, to any dealers, regional or zone offices, field offices, fleet purchasers, or other entities. This includes, but is not limited to, bulletins, advisories, informational documents, training documents, or other documents or communications, with the exception of standard shop manuals.
8. 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, DaimlerChrysler. 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.

9. For the subject LH and PR vehicle families, describe all modifications or changes made by, or on behalf of, DaimlerChrysler in the design, material composition, manufacture, quality control, supply, or installation of the subject components, from the start of production to date, which relate to, or may relate to, the alleged defect in those vehicles. For each such modification or change, provide the following information:
  - a. The date or approximate date on which the modification or change was incorporated into vehicle production;
  - b. A detailed description of the modification or change;
  - c. The reason(s) for the modification or change;
  - d. The part numbers (service and engineering) of the original component;
  - e. The part number (service and engineering) of the modified component;
  - f. Whether the original unmodified component was withdrawn from production and/or sale, and if so, when;
  - g. When the modified component was made available as a service component; and
  - h. Whether the modified component can be interchanged with earlier production components.

Also, provide the above information for any modification or change in the subject components, or that may be incorporated into vehicle production within the next 120 days.

10. In enclosure 7 of DaimlerChrysler's response to ODI's information request no. 9 during RQ03-005, "Change Number (CN) Authority 80722-L08" was mentioned in reference to engineering changes made to the floor shifter assembly on the subject JA and JX vehicles with the introduction of the BTSI (Brake Transmission Shift Interlock) system at MY 2000.

Produce all documents related to, discussing, or documenting CN 80722-L08, including but not limited to, engineering drawings (showing design conditions both before and after the modifications), specification documentation, change history documents, technical descriptions of the changes, communications to suppliers, and any other pertinent documents. If the aforementioned engineering drawings are not available, provide engineering drawings of a current production shifter assembly. If the engineering drawings do not contain the necessary detail to determine dimensional tolerancing, provide any other information

required. Also describe in detail what impact CN 80722-L08, or any other or similar CN, had on the mechanical advantage of the transmission shift mechanisms for LH and PR vehicle families, if any.

11. In enclosure 7 of DaimlerChrysler's response to ODI's information request no. 9 during RQ03-005, "Change Number (CN) Authority 81026-L07" was mentioned in reference to engineering changes made to the shift knob on the subject JA and JX vehicles with the implementation of the BTSI (Brake Transmission Shift interlock) system at MY 2000.

Produce all documents related to, discussing, or documenting CN 81026-L07, including but not limited to, engineering drawings (showing design conditions both before and after the modifications), specification documentation, change history documents, technical descriptions of the changes, communications to suppliers, and any other pertinent documents. If the aforementioned engineering drawings are not available, provide engineering drawings of a current production shifter assembly. If the engineering drawings do not contain the necessary detail to determine dimensional tolerancing, provide any other information required. Also describe in detail what impact CN 81026-L07, or any other or similar CN, had on the mechanical advantage of the transmission shift mechanisms for LH and PR vehicle families, if any.

12. State the number of sales of each of the following that may have been used in the subject vehicles by component name, part number (both service and engineering/production), model and model year of the vehicle in which it is or was used and month and year of sale *(including the cut-off date for sales, if applicable)*:
  - a. Floor shifter assembly;
  - b. Ignition-park interlock cable;
  - c. Shift knob;
  - d. All kits required for use in safety recall 98V-183; and
  - e. Any other kits that have been released, or developed, by DaimlerChrysler for use in service repairs to the subject components.

For each component part number, provide the supplier's name, address, and appropriate point of contact (name, title, and telephone number). Also identify by make, model and model year, any other DaimlerChrysler vehicles that contain the identical component, whether installed in production or in service, and state the applicable dates of production or service usage.

13. Furnish DaimlerChrysler's assessment of the alleged defect in the subject vehicle, including:
  - a. The causal or contributory factor(s);
  - b. The failure mechanism(s);
  - c. The failure mode(s);
  - d. The risk to motor vehicle safety that it poses;
  - e. What warnings, if any, the operator and the other persons both inside and outside the vehicle would have that the alleged defect was occurring or subject component was malfunctioning; and
  - f. The reports included with this inquiry.



This letter is being sent to DaimlerChrysler 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. DaimlerChrysler's failure to respond promptly and fully to this letter could subject DaimlerChrysler 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 DaimlerChrysler 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, DaimlerChrysler does not submit one or more requested documents or items of information in response to this information request, DaimlerChrysler 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.

DaimlerChrysler's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by Friday, January 9, 2004. Please refer to EA03-011 in DaimlerChrysler's response to this letter. If DaimlerChrysler finds that it is unable to provide all of the information requested within the time allotted, DaimlerChrysler must request an extension from Mr. Jeffrey Quandt of my staff at (202) 366-5207 no later than five business days before the response due date. If DaimlerChrysler 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 DaimlerChrysler then has available, even if an extension has been granted.

If DaimlerChrysler 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, DaimlerChrysler must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512, as amended (68 Fed. Reg. 44209 et seq; July 28, 2003), to the Office of Chief Counsel (NCC-113), National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, S.W., Washington, D.C. 20590. DaimlerChrysler 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 Scott Yon of my staff at (202) 366-6761.

Sincerely,

A handwritten signature in black ink, appearing to read 'KCD', followed by a long horizontal line extending to the right.

Kathleen C. DeMeter, Director  
Office of Defects Investigation  
Enforcement

Enclosure 1, One CD ROM titled EA03-011 Data Collection Disc containing three MS Access files and electronic copies (in Adobe pdf format) of 45 VOQs,