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PATRICK M. RAHER
PARTNER
(202) 637-6000
P.M.RAHER@HHLAW.COM

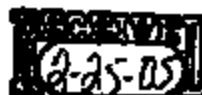
February 24, 2005

COLUMBIA SQUARE
888 THIRTIETH STREET, NW
WASHINGTON, DC 20044-1100
TEL (202) 637-6000
FAX (202) 637-6000
WWW.HHLAW.COM

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BY HAND DELIVERY

Thomas Z. Cooper, Chief
Vehicle Integrity Division
Office of Defects Investigation
National Highway Traffic Safety Administration
400 Seventh St., S.W.
Washington, D.C. 20590



PE04-081

Re: Request for Peer Side Air Bag Information In
Connection with ~~EA04-081~~ Relating to 2001-2003 VW
Jetta, Golf, and GTI Vehicles

Dear Mr. Cooper:

This letter is submitted by Mercedes-Benz USA, LLC ("MBUSA") to the National Highway Traffic Safety Administration ("NHTSA" or "Agency") in response to the Office of Defect Investigation's January 19, 2005 request for peer side airbag information to assist in the Agency's investigation of certain model year 2001-2003 VW Jetta, Golf, and GTI vehicles (PE04-081).

MBUSA's responses to the Agency's specific requests for information relating to certain model year 2001-2003 Mercedes-Benz vehicles with a curb weight between 2,500 and 3,500 pounds, equipped with both side-impact/curtain airbags (including combination thorax/head airbags) manufactured for sale or lease in the U. S. (the "subject peer vehicles") are included below following a restatement of the Agency's original requests. Information for which MBUSA has requested confidential treatment is enclosed in brackets below.

1. *State, by model and model year, the number of subject peer vehicles Mercedes Benz has manufactured for sale or lease in the United States. If there are multiple side air bag system designs or versions for a given subject peer*

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vehicle, please identify under section "e." Separately, for each model subject vehicle manufactured to date by Mercedes Benz, state the following:

- a. *Vehicle identification number (VIN);*
- b. *Make;*
- c. *Model;*
- d. *Model Year;*
- e. *Airbag system model version (if more than one);*
- f. *Date of manufacture;*
- g. *Date warranty coverage commenced; and*
- h. *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."

A total of [] peer subject vehicles have been produced for the U.S. The number of subject peer vehicles produced for the U.S. by model and model year are included in the table below:

Model Year	Model	U.S. Production
2001	C240	
2001	C320	
2001	CLK320	
2001	CLK430	
2001	CLK55 AMG	
2001	SLK230	
2001	SLK320	
2002	C240	
2002	C320	
2002	C320S	
2002	C230GL	
2002	CLK320	
2002	CLK430	
2002	CLK55 AMG	
2002	SLK230	
2002	SLK320	
2002	SLK32 AMG	
2003	C240	
2003	C320	

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Model Year	Model	U.S. Production
2003	C240S	[]
2003	C320S	[]
2003	C280CL	[]
2003	SLK230	[]
2003	SLK320	[]
2003	SLK32 AMG	[]

The confidential information requested in Request Nos. 1.a.-1.h. is contained in the Microsoft Access 2000 database enclosed with this letter which is entitled "Production Data."

2. *State the number of each of the following, received by Mercedes Benz, or of which Mercedes Benz is otherwise aware, which relate to, or may relate to, the subject condition in the subject peer vehicles:*

a. *Consumer complaints, including those from fleet operators;*

MBUSA has received [] consumer complaints which relate or may relate to the subject condition in the peer subject vehicles.

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 (including own vehicle); and*

e. *Third-party arbitration proceedings where Mercedes Benz is or was a party to the arbitration; and*

f. *Lawsuits, both pending and closed, in which Mercedes Benz is or was a defendant or codefendant.*

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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). Identify reports that have a duplicate with either other mfg reports/claims or with ODI.

In addition, for items "b" through "f," provide a summary description of the alleged problem and causal and contributing factors and Mercedes Benz's assessment of the problem, with a summary of the significant underlying facts and evidence along with any photographs and airbag control module diagnostic result/readout/printout (along with explanation/description). 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.

MBUSA has not identified any additional documents or records responsive to request sub-parts 2(b)- 2(f).

- 3. State, by model and model year, the number and total count for all of the following categories of claims, collectively, that have been paid by Mercedes Benz to date that relate to, or may relate to, the subject condition in the subject peer vehicles: warranty claims; extended warranty claims; 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.*

Provide this information in Microsoft Excel table, or a compatible format, entitled "WARRANTY DATA COUNT."

MBUSA's review of warranty claims has identified [] instances of likely inadvertent side airbag deployment in the subject vehicles, and [] in which the dealer text does not reference a crash event and which may possibly be an instance of inadvertent deployment. Warranty claim information on these [] incidents is

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included in the enclosed confidential Microsoft Excel file entitled
"NHTSA_Side_Airbag_Claim_Details.xls."

- 4. Describe in detail the search criteria used by Mercedes Benz to identify the claims identified in response to Request No. 3, 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 subject condition in the subject peer vehicles. State, by make and model year, the terms of the new vehicle warranty coverage offered by Mercedes Benz on the subject peer vehicles (i.e., the number of months and mileage for which coverage is provided and the vehicle systems that are covered) and if it covers inadvertent side-airbag deployments (without an actual side crash, but sensors did sense a shock pulse). Describe any extended warranty coverage option(s) that Mercedes Benz offered for the subject peer vehicles and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty and if it covers inadvertent side-airbag deployments.*

To identify the claims referenced in response to Request No. 3, MBUSA searched warranty records by the part numbers for side airbags used in the peer subject vehicles, and then manually reviewed the dealer text for each warranty claim for any reference to an inadvertent side airbag deployment.

The standard New Vehicle Limited Warranty for all peer subject vehicles covers defects in materials or workmanship for 4 years/50,000 miles, whichever comes first. Extended limited warranties can also be purchased within the first year of ownership for an additional 12, 24, or 36 months of coverage or up to 100,000 miles. Inadvertent side airbag deployments that result from a defect in materials or workmanship are covered under the New Vehicle Limited Warranties described above. The Agency has asked about situations where no side crash occurs, but where the side airbag sensors do sense a shock pulse and deploy the airbag (for example, in an accident with a significant underbody impact in the area of the satellite airbag sensor). In this situation, the airbag deployment does not reflect a defect in materials or workmanship and would not be covered under the terms of the materials and workmanship limited warranty. However these situations are evaluated on a case-by-case basis, and where the system did not meet the customer's expectations, they would be replaced at no charge or at a reduced charge

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under goodwill as a customer satisfaction measure. This type of goodwill replacement would be recorded in the warranty database for record-keeping and dealer reimbursement purposes and therefore would have been identified as a "claim" for the purposes of the response to Request No. 3.

5. *Provide a table showing the following information concerning the side-impact airbag systems in the subject peer vehicles by model and model year:*
- a. *type of side air bag system (thorax, head, curtain or combination thereof);*
 - b. *location of each seating position at which a side air bag system is installed;*
 - c. *the number of side air bags at each of those seating positions; and*
 - d. *bag location (seat mounted, door mounted, etc.)*

A table with the information requested above is included as Attachment A to this letter.

6. *For each model, model year of the subject peer vehicles, identify the supplier of the side-impact crash sensing system and electronic restraint module. Please provide a complete street address, contact name, and telephone number for each supplier identified.*

For all subject peer vehicles, the control module (sensing system) was supplied by Robert Bosch GmbH. For all subject peer SLK vehicles, the airbags were provided by Takata-Petri. For all subject peer C-class and CLK vehicles the airbags were provided by TRW. The contact information for these suppliers is as follows:

Robert Bosch GmbH
Herrenwiesenweg 24
D-71701 Schwieberdingen,
Dr. Mario Kroeninger
Tel.: +711/811-42241

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Takata-Petri AG
Großostheimer Str. 223
63741 Aschaffenburg
Herr Konrad Sauer,
Tel.: +49-6021-651926

TRW ORS GmbH & Co. KG
Industries Str. 20
73551 Alfdorf
Herr Heiko Bommer
Tel.: +49-7172-3021605

If you have any additional questions regarding this matter, please do not hesitate to contact me or Latane Montague at (202) 637-6567.

Sincerely,



Patrick M. Raher

cc: Frank Dierl
Dr. Turan Coratekin