



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

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

DEC 21 2005

NVS-212jfa
EA05-020

Stephen J. Speth
DaimlerChrysler Corporation
800 Chrysler Drive
Auburn Hills, MI 48326-2757

Dear Mr. Speth:

This letter is to advise you that the Office of Defects Investigation (ODI) has completed Preliminary Evaluation (PE05-039) concerning allegations of fracture and separation of blades from the engine's electric motor driven cooling fan in 2002 Jeep Grand Cherokee vehicles manufactured by DaimlerChrysler Corporation (DCC). Based on our analysis of the information received thus far, ODI has upgraded this matter to an Engineering Analysis (EA), which has been assigned the identification number EA05-020. As part of the EA investigation, this letter requests updated and additional information from DCC.

Since opening this investigation, ODI has received 14 new reports of the alleged defect in the subject vehicles. In eight of those incidents, pieces of the fan blade broke through the protective fan shroud. A copy of each of the reports has been sent to your office electronically via E-mail for your information.

A review of the reported damage to the protective fan shroud, to other engine compartment components outside of the shroud, and to the hood liner material demonstrates the tremendous energy carrying capacity of separated fan blades and their ability to leave the confines of the shroud.

It remains ODI's concern that a separated fan blade carries with it the potential to cause very serious injuries should it strike an unsuspecting repair technician or vehicle owner/operator while servicing or working in the engine compartment, or when investigating a noisy cooling fan.

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

- **Subject vehicles:** all 2002 Jeep Grand Cherokee vehicles equipped with 4.0L I6 engines manufactured for sale or lease in the United States.



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- **Subject component(s)**: all electric motor driven engine cooling fans manufactured for use on the subject vehicles.
- **DCC**: 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 DCC (including all business units and persons previously referred to), who are or, in or after January 1, 1995, 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
 - 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**: separation of the fan, or fan blades, or pieces thereof, from the engine's electric motor driven cooling fan.
- **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, computer simulations, models, or bench top exercises, 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 DCC, 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 DCC 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 DCC has previously provided a document to ODI, DCC 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 DCC's response to each request, identify the source of the information and indicate the last date the information was gathered.

1. State the number of each of the following, received by DCC, or of which DCC is otherwise aware, which relate to, or may relate to, the alleged defect in the subject vehicles, excluding those provided in response to PE05-039:
 - 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 DCC is or was a party to the arbitration; and

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

For subparts "a" through "f" 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 DCC'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.

2. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 1, state the following information:
 - a. DCC's file number or other identifier used;
 - b. The category of the item, as identified in Request No. 1 (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 "REQUEST NUMBER TWO DATA."

3. Produce copies of all documents related to each item within the scope of Request No. 1. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and describe the method DCC used for organizing the documents.
4. State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by DCC to date that relate to, or may relate to, the alleged defect in the subject vehicles, excluding those provided in response to PE05-039: 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.

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

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

Provide this information in Microsoft Access 2000, or a compatible format, entitled "WARRANTY DATA."

5. Describe in detail the search criteria used by DCC to identify the claims identified in response to Request No. 4, 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.
6. In its September 9, 2005 response to ODI's July 19, 2005 Preliminary Evaluation (PE) information request letter (hereafter, DCC's PE response), DCC stated that it is "continuing to investigate the supplier process history." State whether DCC has completed its supplier investigation or if it is still in process. If the investigation has not been completed, provide the anticipated completion date. Separately, produce, in chronological order, copies of all documents to date that relate to this effort.
7. DCC's PE response to Request No. 8 (assessments, tests, etc), states that since the opening of PE 05-039, DCC initiated a field parts return program to evaluate the material properties of cooling fans from subject vehicles that have demonstrated the alleged defect. State whether DCC has completed its field parts evaluation or if it is still in process. If the program is still in process, provide the anticipated completion date. Separately, for each vehicle evaluated to date, state the following information:
 - a. The complete VIN number of the vehicle;
 - b. Vehicle production date;
 - c. Date of retail sale;
 - d. Mileage at the time of the failure;
 - e. The location, by state, in which the vehicle was repaired;
 - f. The entity that conducted the fan evaluation;
 - g. The date of production and mold cavity of the fan; and
 - h. A summary of the evaluation results.
8. In the cover letter to DCC's PE response, DCC identified the scope of the alleged defect to be limited to the 2002 Jeep Grand Cherokee vehicles produced in the months of February,

March, and April of 2002. Further, DCC stated that it "intended" a survey of subject vehicles built within those months. State whether DCC has completed this survey or if it is still in process. If the survey is still in process, provide the anticipated completion date. Separately, for each vehicle included in the survey to date, state the following information:

- a. The complete VIN number of the vehicle;
 - b. Vehicle production date;
 - c. Date of retail sale;
 - d. Mileage at the time of the survey;
 - e. The location, by state, of the survey vehicle;
 - f. The entity that conducted the survey;
 - g. The date of production and mold cavity of the fan; and
 - h. A summary of the survey results.
9. DCC's PE response to Request Nos. 9 and 11 (modifications and part sales) appears to indicate usage of the 52079528 AB fan in Grand Cherokee ("WJ") vehicles in model years other than 2002. Identify all other model year WJ vehicles that utilize the 52079528 AB fan. For those vehicles identified, provide production data, and, the information requested by Requests Nos. 1 through 5 above. Please label the associated files to these responses as "other vehicles," e.g., PRODUCTION DATA:OTHER VEHICLES, etc.
 10. DCC's PE response to Request No. 11 (part sales) references a table in Enclosure 7 that provides the following three engine cooling fan part numbers: 52079528, 52079528 AB, and 52079528 AD. Identify and describe in detail each difference between these three engine cooling fans. Separately, identify the vehicle applications and vehicle production volumes for each.
 11. Provide engineering drawings for each fan identified in Request No. 10.
 12. State DCC's assessment as to why the sales volumes for the 52079528 AB fan account for 95% of the total sales for the three fans identified above?
 13. Describe in detail, the production processes, material compositions, including properties and specifications, molds, mold cavities, etc., used in the manufacture of the fan blade of the subject component identified by part number 52079528 AB.
 14. DCC's PE response to Request No. 12 (DCC's assessment) noted that some of the subject vehicles are equipped with both the electric cooling fan and a mechanical fan. Identify and discuss in detail why some subject vehicles are manufactured with both fans. Separately, for each subject vehicle manufactured to date that is equipped with both fans, state the following:
 - a. 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: VEHICLES WITH BOTH FANS."

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

DCC's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by February 17, 2006. Please refer to EA05-020 in DCC's response to this letter. If DCC finds that it is unable to provide all of the information requested within the time allotted, DCC must request an extension from Mr. Thomas Z. Cooper at (202) 366-5218 no later than five business days before the response due date. If DCC 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 DCC then has available, even if an extension has been granted.

If DCC 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 8 U.S.C. § 1905, DCC 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 (69 Fed. Reg. 21409 et seq; April 21, 2004), to the Office of Chief Counsel (NCC-113), National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, S.W., Washington, D.C. 20590. DCC 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 John Abbott of my staff at (202) 366-5221.

Sincerely,

Kathleen C. DeMeter, Director
Office of Defects Investigation
Enforcement