



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

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

JAN 30 2006

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

NVS-212jfa
EA05-022

Dear Mr. Speth:

This letter is to advise you that the Office of Defects Investigation (ODI) has completed Preliminary Evaluation (PE05-046) concerning allegations of malfunctions of the driver's seat belt buckle in 2002 Jeep Liberty 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 EA05-022. As part of the EA investigation, this letter requests updated and additional information from DCC.

Since opening this investigation, ODI has received nine new reports of the alleged defect in the subject vehicles. In six of those incidents, the buckle could not be latched because the release button was stuck down in the release position. In some cases the buttons were pried back up in order to latch the belt, in others, the buckle was replaced. The remaining three incidents regard difficulty in unlatching the belt. A copy of each of the reports has been sent to your office electronically for your information.

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

- **Subject vehicles**: All 2002 Jeep Liberty vehicles manufactured for sale or lease in the United States.
- **Subject components**: The front seat belt buckle assemblies for the driver and right front passenger seating positions manufactured for use on the subject vehicles.
- **DCC**: DaimlerChrysler Corporation, all of its past and present officers and employees, whether assigned to their principal offices or any of their field or other locations, including all of their 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



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888-327-4236

control of DCC (including all business units and persons previously referred to), who are or, in or after 1996, 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:** Failure of the subject component(s) that either prevent or inhibit the buckles ability to latch or unlatch, or cause the buckle to false latch.
 - **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 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 PE05-046:
 - 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 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 a fire is alleged;
 - k. Whether property damage is alleged;
 - l. Number of alleged injuries, if any; and
 - m. 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 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 PE05-046: 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. Vehicle's 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, if any, by dealer/technician relating to 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 October 12, 2005 response to CDI's August 31, 2005 Preliminary Evaluation (PE) information request letter (hereafter, DCC's PE response), DCC stated that it was collecting sample front seat belt buckles from subject vehicles through a "Warranty Parts Return Program" and that the program would "supply" DCC with sample buckles for "further analysis." State whether DCC has completed this program or if it is still in process. If the program has not been completed, provide the anticipated completion date. Separately, produce in chronological order, copies of all documents to date that relate to this program and for each seat belt collected to date, state the following information:
 - a. Vehicle's VIN;
 - b. Vehicle's production date;
 - c. Date of retail sale;
 - d. Failure date;
 - e. Repair date;
 - f. Mileage at the time of the failure;
 - g. The entity that conducted the analysis; and
 - h. The results of the analysis.

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

7. Identify and describe any other programs or service actions that DCC has initiated in an effort to obtain malfunctioning buckles from the subject vehicles.
8. DCC's PE response to Request No. 8 (Assessments, Analyses, etc.) states, in part, that two sample buckles were sent to the DCC "Materials Engineering Test Laboratory" to evaluate the material properties of those buckles. State whether DCC has completed this evaluation or if it is still in process. If the evaluation has not been completed, provide the anticipated completion date. Separately, produce, in chronological order, copies of all documents to date that relate to this evaluation.

9. DCC's PE response to Request Nos 9 and 11 (Modifications and Part sales) indicates the subject components (front seat belt buckles) used in the subject vehicles are also used in other model year Jeep Liberty vehicles. Identify all other vehicles that use the subject components by model year and periods of production. 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. 9 (Modifications or changes) requires clarification and additional information regarding Enclosure No. 10 (Change History, **Confidential**). Some of the information provided in the tables via the PDF documents, reference "TRWA," is not clear and does not provide all of the requested information. For each table, provide a clear and detailed description of the modification or change, a detailed reason for the modification or change, and the dates that the changes were incorporated into vehicle production. Acronyms, abbreviations, and other terms such as "grasshopper legs" should not be used in your response.
11. Provide engineering drawings for all of the changes identified in Enclosure No. 10. The drawings should be clearly marked or otherwise annotated to reflect those changes.
12. Provide an exploded view drawing of the subject components identifying by name and part number all of its component parts. Separately, for each part, discuss its function in the operation of the buckle and its interaction with other buckle component parts.
13. DCC's PE response to Request No. 2 states that all seven of the sample buckles that it had collected and analyzed had separated "latch guide leaf springs." Has DCC's analysis of those buckles identified the failure mechanism or what caused the latch guide leaf springs to break and separate?
14. ODI's analysis of the warranty and owner data indicates that 80% of the warranty claims on buckles and 90% of the owner reports are on early production vehicles produced in calendar year 2001. What is DCC's opinion as to why these vehicles are over represented?
15. In consideration of any additional information accumulated and evaluated in the preparation of DCC's response to this letter, furnish an update of DCC's assessment of the alleged defect in the subject vehicles, including:
 - a. The causal or contributory factors;
 - b. The failure mechanism;
 - c. The failure mode;
 - d. The risk to motor vehicle safety it poses; and
 - e. The reports included with this letter.

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 \$16,050,000 for a related series of violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. See 49 CFR 578.6 (as amended by 69 Fed. Reg. 57864 (Sept. 28, 2004)). This includes failing to respond to ODI information requests.

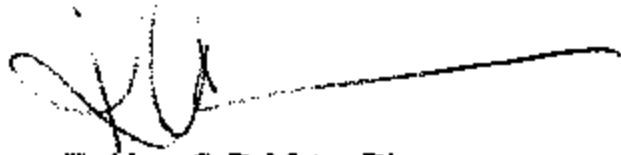
If DCC cannot respond to any specific request or subpart(s) thereof, please state the reason why it is unable to do so. If on the basis of attorney-client, attorney work product, or other privilege, DCC does not submit one or more requested documents or items of information in response to this information 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 March 21, 2006. Please refer to EA05-022 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 18 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,

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

Kathleen C. DeMeter, Director
Office of Defects Investigation
Enforcement

VOQ #'s 10134919, 10135119, 10136347, 10139294, 10142236, 10142486, 10142359, 10144919, and 10138137.