



Rec'd 8/17/05
LAND-ROVER

Land Rover North America, Inc.

August 15, 2005

Ms. Kathleen C. DeMeter, Director
Office of Defects Investigation Safety Assurance
National Highway Traffic Safety Administration
400 Seventh Street, S.W.
Washington, DC 20590

Dear Ms. DeMeter:

Subject: PE05-034:NVS-3kmb

The Land Rover partial response to the agency's June 24, 2005 letter requesting certain information concerning the performance of the brake lamp switch used on 2003-2004 model year Land Rover Discovery Series II vehicles is attached. Complete answers to Requests 1-7, 10, and 11 are provided.

We are continuing to review the information required to respond to Requests 8, 9, and 12 as stated in our August 8, 2005 extension request, and we expect to provide our responses to these requests no later than August 31, 2005.

If you have any questions, please call my office.

Sincerely,

Dennis T. Johnston
Manager, Product Compliance

Enclosures

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Mahwah, New Jersey 07430
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LAND ROVER RESPONSE TO PE05-034

Land Rover's partial response to this Preliminary Evaluation information request was prepared pursuant to a diligent search for the information requested. While we have employed our best efforts to provide responsive information, the breadth of the agency's request and the requirement that information be provided on an expedited basis make this a difficult task. We nevertheless have made every effort to provide thorough and accurate information, and we would be pleased to meet with agency personnel to discuss any aspect of this vehicle information request.

The scope of Land Rover's investigation conducted to locate responsive information focused on Land Rover employees most likely to be knowledgeable about the subject matter of this inquiry and on review of Land Rover files in which responsive information ordinarily would be expected to be found and to which Land Rover ordinarily would refer, as more fully described in this response. Land Rover notes that although electronic information was included within the scope of its search, Land Rover has not attempted to retrieve from computer storage electronic files that were overwritten or deleted. As the agency is aware, such files generally are unavailable to the computer user even if they still exist and are retrievable through expert means. To the extent that the agency's definition of Land Rover includes suppliers, contractors and affiliated enterprises for which Land Rover does not exercise day-to-day operational control, we note that information belonging to such entities ordinarily is not in Land Rover's possession, custody or control. Land Rover has construed this request as pertaining to vehicles manufactured for sale in the United States, its protectorates and territories.

In an August 8, 2005 e-mail, Mr. Jeffrey Quandt of the agency granted Land Rover's request for an extension of time until August 31, 2005 to respond to Requests 8, 9, and 12. All other responses to the agency's specific questions are set forth below. As requested, after each numeric designation, we have set forth verbatim the request for information, followed by our response. Unless otherwise stated, Land Rover has undertaken to provide responsive documents dated up to and including June 24, 2005, the date of your inquiry. Land Rover has searched business units and/or affiliates within the following offices for responsive documents: Automotive Safety & Compliance Office, Purchasing, Marketing Sales and Service, Quality, Office of the General Counsel, Vehicle Operations, and Product Development.

Request 1

State, by model and model year, the number of subject vehicles Land Rover has manufactured for sale or lease in the United States. Separately, for each model subject vehicle manufactured to date by Land Rover, state the following:

- a. Vehicle identification number (VIN);
- b. Make;
- c. Model;
- d. Model Year;
- e. Date of manufacture;
- f. Date warranty coverage commenced; and
- g. 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." See Enclosure 1, Data Collection Disc, for a pre-formatted table which provides further details regarding this submission.

Answer

The approximate total number of 2003 through 2004 model year Land Rover Discovery Series II vehicles sold in the United States (the 50 states and the District of Columbia) and its protectorates and territories (American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and Virgin Islands) is 38911. The number of Discovery Series II vehicles sold in the United States by model year is shown below:

2003 MY Vol.	2004 MY Vol.
23037	15874

The requested data, to the extent it is available, for each subject vehicle is provided electronically in Appendix A (filename: 2005-08-15_Appendix A—Production Data) on the enclosed CD.

Request 2

State the number of each of the following, received by Land Rover, or of which Land Rover 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 Land Rover is or was a party to the arbitration; and
- f. Lawsuits, both pending and closed, in which Land Rover 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 Land Rover'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.

Answer

For the purpose of identifying reports of incidents potentially involving failures of the stop lamp switch and any related documents, Land Rover has gathered "owner reports" and "field reports" maintained by its Customer Service Division and claim and lawsuit information maintained by Land Rover's International Office of the General Counsel (OGC).

Descriptions of the owner and field report systems and the criteria used to search each of these are provided electronically in Appendix B (filename: 2005-08-15_Appendix_B) on the enclosed CD.

The following categorizations were used in the review of reports located in each of these searches:

- Category A: Allegations that brake lights remain illuminated without pressing brake pedal
- Category B: Allegations that brake lights do not illuminate when pressing brake pedal (brake lights inoperative)
- Category C: Allegations that the vehicle is stuck in park due to brake lamp switch
- Category D: Allegations that cruise control is inoperative due to brake lamp switch
- Category E: Allegations that warning lights are on—ABS, Hill Descent Control (HDC), Traction Control (TC), Supplemental Restraint System (SRS) due to brake lamp switch
- Category F: Allegations that are ambiguous as to whether they pertain to the alleged defect

"We are providing electronic copies of these reports as "non-specific allegations" for your review because of the broad scope of the request. Based on our engineering judgment, the information in these reports is insufficient to support a determination that they pertain to the alleged defect.

Owner Reports: The search and review of the Land Rover Customer Assistance Tracking System (CATS) database records, as described in Appendix B, identified the following number of owner reports excluding duplicates in accordance with the categories described above:

Category	A	B	C	D	E
Reports	9	0	1	0	1

Copies of these owner reports are provided in Appendix C (file: 2005-08-15_Appendix_C_Owner Reports) on the enclosed CD. The categorization of each report is identified in the "Category" column of the summary provided in Appendix C as well as in the title of each report. When we were able to identify that responsive (i.e., not ambiguous) duplicate owner reports for an alleged incident were received, each of these duplicate reports is marked accordingly, and the group is counted as one report. In other cases, certain vehicles may have experienced more than one incident and have more than one report associated with their VINs. These reports have been counted separately.

Please note that CATS contains some dealer and employee field reports and goodwill warranty data as well as customer complaints. All of these reports were searched and any responsive reports or claims have been provided.

Field Reports: The search and review of the Land Rover Electronic Product Quality Reports (EPQR), Infotrail based Electronic Product Reports (EPR's), Global Common Quality Information System (GCQIS) and Plant Critical Concerns Database (PCCD) records, as described in Appendix B, identified the following number of reports excluding duplicates in accordance with the categories described above that appear to relate to the alleged defect in the subject vehicles:

Category	A	B	C	D	E
Reports	74	0	1	1	0

Electronic copies of these field reports are provided in Appendix D (file: 2005-08-15_Appendix_D Field Reports) on the enclosed CD. With the exception of PCCD records, all of the reports have been downloaded from their respective databases into an Excel workbook, Appendix_D_Field_Report_Workbook.xls. For ease of review, the information contained on the PCCD records was placed into an Excel worksheet and provided in the aforementioned workbook. The PCCD Word documents from which the information was taken are also provided.

Land Rover notes that the four Category "A" GCQIS reports are duplicative of the TREAD EWR field reports forwarded by the agency to Land Rover with the opening Resume for this investigation. These reports originate from employee's complaints concerning vehicles that they drive under the management lease program and are not the product of a technical evaluation of the vehicle. They are included in the field report counts and included in EWR due to the definition of field reports originated by an employee as required by Part 579.21.

Reports of Crash/Injury/Fatality: For purposes of identifying alleged accidents or injuries potentially related to the alleged defect, Land Rover has reviewed responsive (i.e., not ambiguous) owner and field reports, lawsuits and claims, and warranty claims. Based on a reasonable and diligent search, Land Rover located no reports that contain allegations of accidents, injuries or fatalities that relate to the alleged defect in the subject vehicles.

Claims, Lawsuits, and Arbitrations: For purposes of identifying incidents potentially related to problems with the brake lamp switch, Land Rover has gathered claim and lawsuit information maintained by Land Rover's International OGC. Land Rover's International OGC is responsible for handling product liability lawsuits, claims, and consumer breach of warranty lawsuits and arbitrations against the Company.

Based on a reasonable and diligent search, Land Rover located no lawsuits, no claims, three consumer breach of warranty lawsuits, and one arbitration that appear to relate to failure of the stop lamp switch in the subject vehicles.

We are providing the requested detailed information, where available, on the responsive consumer breach of warranty lawsuits and arbitrations in our Log of Lawsuits and Claims, as Appendix E (file: 2005-08-15_Appendix_E Lawsuits and Claims) on the enclosed CD. Land Rover is also providing in Appendix E, to the extent available, non-privileged documents relating to matters shown on the Log. With regard to these breach of warranty lawsuits and the arbitration, Ford has not undertaken to contact outside law firms to obtain additional information.

VOQ Data: This information request had an attachment that included two Vehicle Owner's Questionnaires (VOQs). Land Rover made inquiries of its CATS database for customer contacts, dealer and employee field reports, and its EPQR, EPR, GCQIS, and PCCD databases for field reports regarding the vehicles reflected on the VOQs. Land Rover located one CATS owner report and one CATS employee field report for the vehicle reflected on VOQ 310094432 that were not obtained from the search described in Appendix B and that appear to relate to the alleged defect. These reports are provided in Appendix C, and marked with the words "VOQ Duplicate" in the summary also provided in Appendix C. A review of these reports indicated that they were categorized under the Group and Category "Driveline/Transfer Box" which we did not include in our original search, because it seemed unlikely that a problem with the brake lamp switch would appear

in this category. We have also adjusted the count of owner reports in the table shown above to reflect these additional reports.

Request 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. Land Rover'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 "REQUEST NUMBER TWO DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table which provides further details regarding this submission.

Answer

This requested information, to the extent that it is available, is provided in Appendices C, D, and E as discussed in response to Request 2.

Request 4

Produce copies of all documents related to each item within the scope of Request No. 2. Organize the documents separately (i.e., consumer complaints, field reports, etc.) and describe the method Land Rover used for organizing the documents.

Answer

This requested information, to the extent that it is available, is provided in Appendices C, D and E as discussed in response to Request 2.

Request 5

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 Land Rover to date that involved a subject component replacement in the subject 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.

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. Land Rover's claim number;
- b. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
- c. VIN;
- d. Repair date;
- e. Vehicle's 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." See Enclosure 1, Data Collection Disc, for a pre-formatted table which provides further details regarding this submission.

Answer

In responding to this information request, Land Rover electronically searched its Analytical Warranty System (AWS) for all claims meeting the criteria described in Appendix B. The resulting claims were then reviewed individually for allegations that may relate to the alleged defect. This search and review of the AWS database records identified the following number of non-duplicative warranty reports in accordance with the categories described above that appear to relate to the alleged defect in the subject vehicles

Category	A	B	C	D	E
Reports	3687	191	1278	475	212

Electronic copies of these claims are provided in the AWS Excel File contained in Appendix F (file: 2005-08-15_Appendix_F AWS). When we were able to identify that duplicate claims for an alleged incident were received, each of these duplicate claims was marked accordingly and the group counted as one report. In other cases, certain vehicles may have experienced more than one incident and may have more than one claim associated with their VINs. These claims have been counted separately.

Requests for "good will," field, or zone adjustments received by Land Rover to date that relate to the alleged defect in the subject vehicles, if any, would be indicated in the CATS reports identified above in response to Request No. 1. As of June 24, 2005 there have been no Technical Service Bulletins, owner notification, service, or similar programs for the brake switch in the Discovery Series II vehicles, and therefore, no repairs have been made in accordance with such programs.

Request 6

Describe in detail the search criteria used by Land Rover 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 Land Rover 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 option(s) that Land Rover offered for the subject vehicles and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty.

Answer

The search criteria used by Land Rover to identify responsive claims is described in the AWS section of Appendix B.

All 2003 to 2004 model year Land Rover Discovery Series II vehicles include the following warranty coverage options:

- 48 month/50,000 mile bumper-to-bumper
- 72 month/unlimited miles corrosion (perforation only)

Descriptions of the new vehicle warranty coverage and the available extended warranty programs are contained Appendix G (file: 2005-08-15_Appendix_G Warranty Coverage). A spreadsheet of the number of vehicles enrolled in the Land Rover extended warranty programs is also provided in Appendix G. The table below contains the total numbers of Discovery Series II vehicles sold with extended warranties:

Model Year	2003	2004
Vehicles	3898	1755

Additionally, all 2003 and 2004 model year Land Rover Discovery Series II vehicles received complimentary scheduled maintenance for the first six maintenance services at 7,500 mile intervals, starting at 7,500 miles.

Request 7

Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject vehicles, that Land Rover has issued 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 the standard shop manuals. Also include the latest draft copy of any communication that Land Rover is planning to issue within the next 120 days.

Answer

Two special service messages (FAQ's) that may relate to the alleged defect were distributed in North America. Copies of these FAQ's are provided in Appendix H (file: 2005-08-15_Appendix_H Dealer

Comm.) on the enclosed CD. In addition, a Technical Service Bulletin (TSB) was drafted in the UK and sent to Land Rover North America, but this TSB has not been issued in the U.S. Nevertheless, we are also providing a draft copy of this TSB for your information in Appendix H.

Request 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, Land Rover. 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.

Answer

Land Rover is construing this request broadly and providing not only studies, surveys, and investigations related to the alleged defect, but also notes, correspondence, and other communications that were located pursuant to a diligent search for the requested information. Land Rover states that an investigation similar to the present matter was conducted in Japan, and that some of the documents being produced in response to this question may reference this Japanese investigation. To the extent that any documents relate solely to the Japanese investigation, however, Land Rover states that it does not construe them as responsive to this request and is not producing them. Land Rover will be providing the responsive non-confidential Land Rover documentation as Appendix I in its final response later this month.

To the extent that the information requested in a-f is available, it will be included in the documents provided. Should the agency have questions concerning any of the documents, please advise.

Land Rover will be submitting additional related documentation with a request for confidentiality under separate cover as Appendix J to the NHTSA's Office of the Chief Counsel pursuant to 49 CFR, Part 512.

Request 9

Describe all modifications or changes made by, or on behalf of, Land Rover in the design, material composition, manufacture, quality control, supply, or installation of the subject component from the start of production to date, which relate to, or may relate

to, the alleged defect in the subject 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; and
- g. Whether the modified component can be interchanged with earlier production components.

Also, provide the above information for any modification or change that Land Rover is aware of which may be incorporated into vehicle production within the next 120 days.

Answer

A table of the requested changes will be provided electronically as Appendix K (file: 2005-08-15_Appendix_K) no later than August 31, 2005.

Request 10

Provide one of each of the following:

- a. Exemplar sample of each design version of the subject component; and
- b. Field return samples of the subject component exhibiting the subject failure mode.

Answer

Enclosed in the package containing this document, and labeled as Appendix L, are two samples of the subject brake lamp switch (part number XKB100170). As we will discuss more fully when we respond to Request 12 later this month, Land Rover has learned that certain brake lamp switches were manufactured by its supplier, Methode, using an alternate injection molding tool cavity (referred to as cavity 2) that produced parts that are dimensionally different from those produced using the validated cavity 1 tool. The first sample we are providing is a new part produced using the validated cavity 1 tool, and the other was returned from the field after a repair for a customer concern of "brake lights staying on" and was built from a batch manufactured from the suspect cavity 2 tool. As the subject brake lamp switch was used on all 2004 Discovery Series II vehicles, regardless of the market in which they are sold, the returned part was one from a UK dealer, as no parts returned from a U. S. dealer were readily available.

Request 11

State the number subject components that Land Rover has sold that may be 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 used and month/year of sale (including the cut-off date for sales, if applicable).

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

Answer

The requested part sales information is provided in Appendix M (file: 2005-08-15_Appendix_M) on the enclosed CD. As the agency is aware, Land Rover service parts are sold in the U.S. to authorized dealers. Land Rover has no means by which to determine how many of the parts were actually installed on vehicles, the vehicle model on which a particular part was installed, or the reason the installation was made.

In addition to the designated brake lamp switch service part for the Discovery Series II application (XKB100170), Land Rover has identified that a similar brake lamp switch has also been used to service the subject vehicles. This part (XKB000010) is the designated service part for Freelander applications. Although it has the same general functionality as the Discovery Series II switch, it is calibrated to engage with less pedal travel. Due to a service parts catalogue error the XKB000010 switch was initially shown as the service part for both Freelander and Discovery Series II. This error was corrected in August, 2004.

The supplier of both the Discovery Series II and the Freelander brake switches is Methode Electronics Malta, LTD., P.O. Box 117, Mares BPO 01, Malta. Our UK contact is Tony Dalli, Program Manager, Tel: (44) 1268 40 3685.

The 1999 - 2002 model year Discovery Series II and the 1998 - 2002 model year Range Rover vehicles were also equipped with the identical switch as the 2003-2004 model year Discovery Series II vehicles.

Request 12

Furnish Land Rover'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.

Answer

This information will be provided by August 31, 2005.