



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

1200 New Jersey Avenue SE
Washington, DC 20590

JAN 30 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Lawrence J. Sak, Senior Manager
Product Investigations & Campaigns
Chrysler LLC
800 Chrysler Drive
CIMS 482-00-91
Auburn Hills, MI 48326-2757

NVS-212cag
EA08-006

Dear Mr. Sak:

As you are aware, the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has an open Engineering Analysis (EA08-006) to investigate allegations of a fire in the engine compartment of MY 2007 Pacifica vehicles manufactured by Chrysler LLC (Chrysler). ODI requests supplemental information not previously submitted in Chrysler's June 9, 2008, submission to the agency.

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

- **Subject vehicles:** All MY 2007 Pacifica vehicles a with 4.0L engine, manufactured for sale or lease in the United States.
- **Subject component(s):** The steering gear and the power steering system, including but not limited to, all of their associated connectors, seals, pumps, and hoses.
- **Chrysler:** Chrysler LLC, 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), affiliated enterprises, and dealerships 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 Chrysler (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:** Power steering fluid leakage and/or engine compartment fire that relates to or may relate to the subject components.
 - **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 Chrysler, 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 Chrysler or not. *If a document is not in the English language, provide both the original document and an English translation of the document.*
 - **EAIR:** Engineering Analysis Information Request.

- **First Purchaser:** The first purchaser of a motor vehicle, other than for re-sale.
- **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,” “product evaluation reports,” “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 Chrysler has previously provided a document to ODI, Chrysler 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 Chrysler’s response to each request, identify the source of the information and indicate the last date the information was gathered.

1. Provide the number of subject vehicles Chrysler has sold or leased to a first purchaser in the United States since January 1, 2008 through December 31, 2008. For each month, provide the total number of subject vehicles sold or leased. For each vehicle, state the following:
 - a. Vehicle identification number (VIN);
 - b. Whether the vehicle was sold or leased;
 - c. Date of manufacture;
 - d. Date warranty coverage commenced;
 - e. Date vehicle sold; 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 “PRODUCTION SOLD – JANUARY 1 THROUGH DECEMBER 31, 2008.”

2. Provide the number of subject vehicles that have not been sold or leased to a first purchaser. For each vehicle, state the following:
 - a. Vehicle identification number (VIN);
 - b. Date of manufacture; and,
 - c. The State in the United States where the vehicle is currently located.

Provide the table in Microsoft Access 2000, or a compatible format, entitled "PRODUCTION NOT SOLD."

3. State the number of each of the following, received by Chrysler, or of which Chrysler is otherwise aware, which relate to, or may relate to, the alleged defect in the subject vehicles and not previously supplied in Chrysler's June 9, 2008, submission:
 - a. Consumer complaints, including those from fleet operators;
 - b. Field reports, including dealer field reports and product evaluation reports;
 - c. Police and Fire Department reports;
 - d. 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;
 - e. Reports involving a fire, 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;
 - f. Property damage claims;
 - g. Third-party arbitration proceedings where Chrysler is or was a party to the arbitration; and
 - h. Lawsuits, both pending and closed, in which Chrysler is or was a defendant or codefendant.

For subparts "a" through "e," state the total number of each item (e.g., consumer complaints, field reports, police 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 "h," provide a summary description of the alleged problem and causal and contributing factors and Chrysler's assessment of the problem, with a summary of the significant underlying facts and evidence. For items "d" through "h," 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.

4. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 3, state the following information:
 - a. Chrysler's file number or other identifier used;
 - b. The category of the item, as identified in Request No. 3 (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. Description of the incident;
 - f. Vehicle's mileage at time of incident;
 - g. Incident date;

- h. Report or claim date;
- i. Whether the incident occurred while operating the vehicle;
- j. Indication of an impending failure, if any;
- k. Whether a crash is alleged;
- l. Whether a fire is alleged;
- m. Whether property damage is alleged;
- n. Number of alleged injuries, if any;
- o. Number of alleged fatalities, if any; and
- p. Whether Chrysler re-purchased the vehicle.

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

5. State a total count for all of the following categories of claims, collectively, that have been paid by Chrysler to date that relate to, or may relate to, the alleged defect in the subject vehicles, and not previously supplied in Chrysler's June 9, 2008, submission: 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. Chrysler'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;
- k. Indication of an impending failure, if any;
- l. Comment, if any, by dealer/technician relating to claim and/or repair;
- m. Whether there is an indication of a leak;
- n. Whether Chrysler re-purchased the vehicle; and,
- o. Comment relating to the evaluation of the re-purchased vehicle.

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

6. State a total count for all warranty claims, extended warranty claims or repair requests, including, but not limited to, claims maintained in Chrysler's Quality Narrative Analyzer database that have been denied by Chrysler to date that relate to, or may relate to, the alleged defect in the subject vehicles that were not provided in Chrysler's June 9, 2008, submission. Separately, for each such claim, state the following information:

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

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

7. Describe in detail the search criteria used by Chrysler to identify the claims identified in response to Requests Nos. 5 and 6, 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 Chrysler 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 Chrysler 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.

This letter is being sent to Chrysler 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. Chrysler's failure to respond promptly and fully to this letter could subject Chrysler 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 \$6,000 per day, with a maximum of \$16,375,000 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 71 Fed. Reg. 28279 (May 16, 2006)). This includes failing to respond to ODI information requests.

If Chrysler 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, Chrysler does not submit one or more requested documents or items of information in response to this information request, Chrysler 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.


Chrysler's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by February 12, 2009. **All business confidential information must be submitted directly to the Office of Chief Counsel as described in the following paragraph and should not be sent to this office.** In addition, do not submit any business confidential information in the body of the letter submitted to this office. Please refer to EA08-006 in Chrysler's response to this letter and in any confidentiality request submitted to the Office of Chief Counsel. If Chrysler finds that it is unable to provide all of the information requested within the time allotted, Chrysler must request an extension from me at (202) 366-5218 no later than five business days before the response due date. If Chrysler 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 Chrysler then has available, even if an extension has been granted.

If Chrysler 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, Chrysler 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-111), National Highway Traffic Safety Administration, Room W41-227, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590. Chrysler 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.** Please remember that the word "CONFIDENTIAL" must appear at the top of each page containing information claimed to be confidential, and the information must be clearly identified in accordance with 5 U.S.C. § 512.6. If you submit a request for confidentiality for all or part of your response to this IR, that is in an electronic format (e.g., CD-ROM), your request and associated submission must conform to the new requirements in NHTSA's Confidential Business Information Rule regarding submissions in electronic formats (49 CFR 512.6(c)). See 72 Fed. Reg. 59434 (October 19, 2007).

Please send email notification to Cynthia Glass (cynthia.glass@nhtsa.gov) and to ODI_IRresponse@dot.gov when Chrysler sends its response to this office and indicate whether there is confidential information as part of Chrysler response.

If you have any technical questions concerning this matter, please call Cynthia Glass of my staff, at (202) 366-2920.

Sincerely,



Kathleen C. DeMeter, Director
Office of Defects Investigation