



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

AUG 5 2009

1200 New Jersey Avenue SE.
Washington, DC 20590

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Chris Sandvig
General Manager, Product Compliance
3800 Hamlin Road
Auburn Hills, MI 48326

NVS-213cml
PE09-035

Dear Mr. Sandvig:

This letter is to inform you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has opened a Preliminary Evaluation (PE09-035) to investigate allegations of loss of motive power while driving, or "vehicle stalling," in model year (MY) 2008 through 2009 Volkswagen Jetta, GTI, GTI R32 and EOS vehicles equipped with Direct Shift Gearbox (DSG) transmissions and manufactured by Volkswagen, and to request certain information.

This office has received 23 reports alleging incidents of sudden and unexpected loss of power while driving due to DSG transmission failures in MY 2008 through 2009 Volkswagen Jetta, GTI, GTI R32 and EOS vehicles. Some of the complaints describe the incident as an apparent shift to Neutral while driving, with one incident lasting 5 to 10 seconds and others (11) requiring the vehicle to be stopped and restarted to clear the condition. Sixteen of these complaints noted that the "PRNDS" gear position indicator began flashing during the incident (all gear positions blinking off and on). ODI has also received 53 reports describing abnormal transmission operation such as lurching or surging of the vehicle in forward or reverse, sometimes due to a several second lag or delay in engaging gears during specific down shift or up shift sequences. Some of these complaints have alleged safety concerns with the potential to be hit by crossing or trailing traffic, particularly when crossing through intersections.

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

- **Subject vehicles:** all MY 2008 through 2009 Volkswagen Jetta, GTI, GTI R32 and EOS vehicles equipped with subject transmissions, manufactured for sale or lease in the United States.
- **Peer vehicles:** all MY 2003 through current Volkswagen Group vehicles equipped with subject transmissions.
- **Subject transmissions:** Direct Shift Gearbox (DSG) transmissions.



- **Subject components:** the following components of the subject transmissions manufactured for use as original equipment of service parts for use in the subject vehicles: (1) transmission control units (e.g., Mechatronic control unit); (2) temperature sensors; and (3) speed sensors

- **Volkswagen:** Volkswagen AG, Volkswagen Group North America, and all of their 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 control of Volkswagen (including all business units and persons previously referred to), who are or, in or after January 1, 2003, were involved in any way with any of the following related to the alleged defect in the subject vehicles:
 - a. Design, engineering, analysis, service modification or production (e.g. quality control);
 - b. Testing, assessment, field monitoring 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:** any one or more of the following symptoms or conditions: (1) complete loss of motive power, or "vehicle stalling," while driving due to DSG transmission malfunction; (2) alleged shifts to Neutral, of any duration, while driving; (3) DSG faults resulting in flashing/blinking "PRNDS" indicator; (4) operation in any sort of "Limp Mode" or reduced power mode associated with the transmission system; or (5) delayed gear engagement, or momentary loss of power, during transmission gear shifts.

- **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 Volkswagen, 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 Volkswagen 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 Volkswagen has previously provided a document to ODI, Volkswagen 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 Volkswagen's response to each request, identify the source of the information and indicate the last date the information was gathered.

1. State, by model and model year, the number of subject and peer vehicles Volkswagen has manufactured for sale or lease in the United States. Separately, for each subject and peer vehicle manufactured to date by Volkswagen Group, state the following:
 - a. Vehicle identification number (VIN);

- b. Model;
- c. Model Year;
- d. Date of manufacture;
- e. Date warranty coverage commenced;
- 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 2003, 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.

2. State the number of each of the following, received by Volkswagen, or of which Volkswagen is otherwise aware, which relate to, or may relate to, the alleged defect in the subject and peer vehicles:
 - a. Consumer complaints, including those involving a claim, and including those from fleet operators;
 - b. Field reports, including employee and 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 Volkswagen is or was a party to the arbitration; and
 - f. Lawsuits, both pending and closed, in which Volkswagen 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 Volkswagen'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.

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. Volkswagen'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 2003, 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.

- 4. Produce copies of all documents related to each item within the scope of Request No. 2. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) indicate which department in Volkswagen identified and provided the document, and describe the method Volkswagen used for organizing the documents.
- 5. State, by model and model year, total counts for all of the following categories of claims, collectively, that have been paid by Volkswagen to date that relate to the subject components or to complete replacement of the DSG transmission in the subject and 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.

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

- a. Volkswagen's claim number;
- b. Vehicle owner or fleet name (and fleet contact person) and telephone number;
- c. VIN;
- d. Model;
- e. Repair date;
- f. Vehicle mileage at time of repair;
- g. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
- h. Labor operation number;
- i. Problem code;
- j. Replacement part number(s) and description(s);
- k. All diagnostic trouble code(s) (DTC), or equivalent;
- l. Whether the repair condition caused an incident of complete loss of motive power or "vehicle stalling" while driving (use "yes," "no," or "unknown" for this field);
- m. Whether there was a claim for towing within 3-days of the subject component repair claim;
- n. Whether there was a claim for replacement of one or more subject components within 30 days of the claim date (provide a separate field for each subject component to show these data);
- o. Concern stated by customer;

- p. Cause and correction of concern; and
- q. Additional comment, if any, by dealer/technician relating to claim and/or repair.

Provide this information in Microsoft Access 2003, 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.

6. Describe in detail the search criteria used by Volkswagen 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 Volkswagen 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 Volkswagen 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.
7. Produce copies of all service, warranty, and other information that relate to, or may relate to, the alleged defect in the subject vehicles, that Volkswagen 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, online service or diagnosis instructions or other documents or communications, with the exception of standard shop manuals. Also include the latest draft copy of any communication that Volkswagen is planning to issue within the next 120 days.
8. Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, field monitoring or reporting actions, 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, Volkswagen. For each such action, provide the following information:

Action title or identifier;

- a. The actual or planned start date;
- b. The actual or expected end date;
- c. Brief summary of the subject and objective of the action;
- d. Engineering or service group(s)/supplier(s) responsible for designing and for conducting the action; and
- e. A brief summary of the findings and/or conclusions resulting from the action.

Describe Volkswagen's process for identifying this information including a list of the departments searched. 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 and indicate which department in Volkswagen identified and provided the document.

9. Describe all modifications or changes made by, or on behalf of, Volkswagen in the design, material composition, manufacture, quality control, supply, or installation of the subject component(s), 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:
- The date or approximate date on which the modification or change was incorporated into vehicle production;
 - A detailed description of the modification or change;
 - The reason(s) for the modification or change;
 - The part number(s) (service and engineering) of the original component;
 - The part number(s) (service and engineering) of the modified component;
 - Whether the original unmodified component was withdrawn from production and/or sale, and if so, when;
 - When the modified component was made available as a service component; and
 - Whether the modified component can be interchanged with earlier production components.

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

10. State the number of subject components and complete DSG transmission assemblies that Volkswagen has sold that may be used in the subject and peer 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's 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 Volkswagen is aware that contain the identical component, whether installed in production or in service, and state the applicable dates of production or service usage.

11. Provide the following information regarding the design, function, operation, troubleshooting and servicing/repair of DSG transmission systems in the subject and peer vehicles:
- Provide copies of all documents related to training, diagnostics, repair and/or marketing of the subject transmissions, including all electronic media animations and videos – provide all such material that include any references to safety and/or backup modes of operation in a separate attachment with a summary of how each may relate to the alleged defect in the subject vehicles;
 - Provide copies of all Design Failure Modes and Effects Analyses for the subject transmission and subject components and state Volkswagens assessment of which modes may relate to the alleged defect in the subject vehicles;
 - Provide a complete listing of all schedule maintenance required for the subject transmission and associated components;
 - Provide a complete listing of Diagnostic Trouble Codes with a brief description of how each is set and the effects on system operation and all associated visual, audible or other warning signals or messages to the driver;

- e. Provide a detailed description of all failsafe or other backup operating modes, including all conditions that can cause the system to change modes and the conditions necessary to return to normal operation;
 - f. Explain what causes the gear position indicator, or "PRNDS," to flash or blink while driving, the appropriate driver response, the effects on system and vehicle operation and the conditions required to clear the condition;
 - g. Explain how a subject vehicle may display a flashing "PRNDS" accompanied by a change in transmission operating mode, with no DTC's detected during subsequent service; and
 - h. Explain under what conditions the subject transmission may appear to shift to Neutral while driving, with or without a flashing "PRNDS," and the effects on vehicle control when operating in this mode.
12. Furnish Volkswagen's assessment of the alleged defect in the subject vehicles, 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(s) were malfunctioning; and
 - f. The reports included with this inquiry.

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

Volkswagen's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by September 25, 2009. **All business confidential information must be submitted directly to the Office of Chief Counsel as described in the**

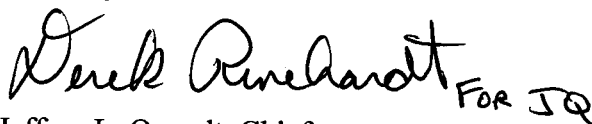
following paragraph and should not be sent to this office. In addition, do not submit any business confidential information in the body of the letter submitted to this office. Please refer to PE09-035 in Volkswagen's response to this letter and in any confidentiality request submitted to the Office of Chief Counsel. If Volkswagen finds that it is unable to provide all of the information requested within the time allotted, Volkswagen must request an extension from me at (202) 366-5207 no later than five business days before the response due date. If Volkswagen 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 Volkswagen then has available, even if an extension has been granted.

If Volkswagen 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, Volkswagen 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, 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. Volkswagen 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 BUSINESS INFORMATION" 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 Federal Register, volume 72, page 59434 (October 19, 2007).

Please send email notification to Chris Lash (chris.lash@dot.gov) and to ODI_IRresponse@dot.gov when Volkswagen sends its response to this office and indicate whether there is confidential information as part of Volkswagen response.

If you have any technical questions concerning this matter, please call Chris Lash of my staff at (202) 366-2370.

Sincerely,

 For JQ

Jeffery L. Quandt, Chief
Vehicle Control Division
Office of Defects Investigation

Enclosure 1, one CD ROM titled Data Collection Disc containing four files