

Johnson, Valencia (NHTSA)

From: Yon, Scott (NHTSA)
Sent: Friday, June 11, 2010 11:31 AM
To: 'patrick.raher@hoganlovells.com'
Cc: Lee, Michael (NHTSA); Boyd, Richard (NHTSA); Johnson, Valencia (NHTSA)
Subject: FW: A Request for Modification to PE10-017 Information Request

Mr. Raher,

ODI has reviewed your request. Based on your statements below and other recent discussions ODI hereby grants this request with the understanding that we may elect to request additional information at a later date. Thank you for your assistance in this matter.

Valencia, please place this entire email in the PE10-017 file.

Regards,
Scott

D. Scott Yon
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From: Lee, Michael (NHTSA)
Sent: Friday, June 11, 2010 9:17 AM
To: Yon, Scott (NHTSA)
Subject: FW: A Request for Modification to PE10-017 Information Request

Scott

See Mercedes' request below. I am OK with granting their request.

Mike

From: Raher, Patrick M. [mailto:patrick.raher@hoganlovells.com]
Sent: Thursday, June 10, 2010 2:22 PM
To: Lee, Michael (NHTSA)
Subject: RE: A Request for Modification to PE10-017 Information Request

Dear Mr. Lee,

On behalf of Mercedes-Benz USA, LLC, and its parent corporation, Daimler AG, we are hereby requesting a modification to the above-referenced information request.

The Company is in the process of replying to each of the specific requests contained in the above-referenced information request. During the development of this information, however, we determined that the definition of "subject vehicles" goes beyond the Model Year 2005-06 E-Class and CLS which were covered by the 2005 DTB and involves all other vehicles "substantially similar in design and layout." Since the architecture of Mercedes-Benz vehicles is very similar with regard to airbag architecture, this definition expands subject vehicle population to close to a million vehicles in order to fully respond to the above-referenced PE.

In order to meet the July 15, 2010, response deadline and, at the same time, provide NHTSA with sufficient information regarding all "subject vehicles" so that the Agency can fully consider the "alleged defect," we would propose the following modification to the information request.

First, all questions in the above-referenced PE will be responded to with respect to the Model Year 2005-06 Mercedes-Benz E-Class and CLS vehicles. This will provide the Agency with a full and complete response with respect to the vehicles actually identified in the DTB and in VOQ reports. Second, with respect to the remaining Mercedes-Benz models for these same model years, the Company would provide to NHTSA a list of all additional models that have a substantially similar airbag design and layout and will list, by model and model year, the number of vehicles sold along with warranty claims for these vehicles in which the subject part was replaced. We believe that this will provide NHTSA with the specific information requested regarding E-Class and CLS vehicles, a full description of all other potentially affected vehicles, and the warranty rate for the specified issue contained in the PE. If, after the Agency fully reviews the information regarding E-Class and CLS vehicles, there remain any additional questions with respect to the other models described in the response, the Company is prepared to then develop the additional information and data specifically requested by NHTSA.

We believe the foregoing suggestion maintains a prompt and timely response to the Agency and allows for future development of any necessary data on a timely basis. We would appreciate your consideration of this request and your notification to us as soon as possible regarding the Agency's decision in order to allow the Company to meet the July 15, 2010 deadline.

Patrick Raher

Partner

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