



U.S. Department
of Transportation

Memorandum

**National Highway
Traffic Safety
Administration**

Subject: Addition to File
IR Response Extension

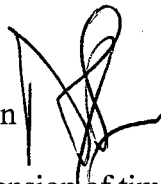
Date: October 5, 2015

From: John Abbott, Safety Defects Specialist
Vehicle Integrity Division

Reply to
Attn of:

To: File EA 11-005

Thru: Scott Yon, Chief Vehicle Integrity Division

 10/5/15

This memo further documents a request for an extension of time to respond to EA11-005 Sup1 information request (IR) letter dated May 8, 2015. The letter was a new and supplemental IR to BMW of North America, LLC (BMW) requesting a new and consolidated response to certain questions regarding complaint and warranty data. BMW misinterpreted ODI's request, and in its response of June, 4, 2015, did not provide the data in a new consolidated format as requested.

In subsequent discussions with BMW, and in consideration of the relatively short (4 week) original response due date, a new response due date was determined by Scott Yon to be July 20, 2015.

On July 14, 2015 BMW made a new request for extension to August 3, 2015. This extension was granted by Scott Yon on July 14, 2015.

Please note that BMW's response of June 4, 2015 should not be used for data analysis. Instead, please see BMW's response of August 5, 2015.

BMW Group

June 4, 2015

Stephen Ridella
Acting Director, Office of Defects Investigation
National Highway Traffic Safety Administration
1200 New Jersey Ave., S.E.
Washington, DC 20590

Re: EA11-005-Sup1

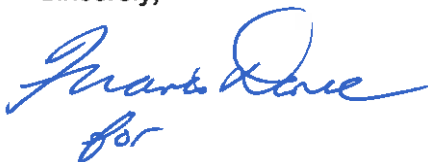
Dear Mr. Ridella:

BMW of North America, LLC, on behalf of BMW AG, Munich, Germany (BMW), is submitting the enclosed information in response to NHTSA's Information Request dated May 8, 2015 in the above-captioned matter.

As requested, BMW has repeated each question verbatim and provided our response accordingly. Our detailed responses are contained in the attachments.

Should you have any questions pertaining to the information enclosed with this letter, please contact me at (201) 571-5360, or Martin Rapaport of my staff at (201) 571-5208.

Sincerely,



Sam Campbell, III
Department Head
Safety Engineering and Intelligent Transportation Systems

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BMW of North America, LLC

BMW Group Company

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Attachments:

CD No. 1

Cc:

S. Yon, NHTSA, Office of Defects Investigation (Letter only)



**BMW Response
to
NHTSA EA11-005
4 Jun 2015**

1. **State, within the body of BMW's response to this letter, the number of each of the following, received by BMW, or of which BMW 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. **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;**
 - e. **Property damage claims;**
 - f. **Third-party arbitration proceedings where BMW is or was a party to the arbitration; and,**
 - g. **Lawsuits, both pending and closed, in which BMW 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, 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 "g," provide a summary description of the alleged problem and causal and contributing factors and BMW's assessment of the problem, with a summary of the significant underlying facts and evidence. For items "f" and "g," 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.

Response:

The source of this information is our customer contact database, field report databases, and legal databases, and is current as of 30 April 2015.

The number of reports, if any, by category, that may relate to the alleged defect in the subject vehicles is contained in Table 1. Table 1 also includes the number of reports, if any, in which an allegation, of the type noted in 2(c) and 2(d), is contained within the specific report in that category.

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Category	Number	Number Including Allegation of Crash	Number Including Allegation of Injury	Number Including Allegation of Fatality	Number Including Allegation of Fire
Consumer Complaints	15	1	0	0	12
Field Reports	4	1	0	0	3
Dealer Field Reports	0	0	0	0	0
Property Damage Claims	1	1	0	0	0
Third-Party Arbitration Proceedings*	0	0	0	0	0
Lawsuits*	0	0	0	0	0

Table1.

Summary of Field Data

Crash Incidents

Included in response to this supplemental Information Request is one (1) crash incident that is alleged to have occurred as a result of a loss of power steering assist. Notably, it is the only such incident reported to BMW within the past four (4) years. Furthermore, the customer states that the loss of power steering assist occurred at the time that the vehicle was traveling at highway speed. As the amount of power steering assist is inversely proportional to vehicle speed, it is surprising that the customer makes this allegation when the assistance provided by the power steering pump would typically be minimal.

Injury Incidents

In response to this supplemental Information Request, there were no injury incidents that are alleged to have occurred as a result of a loss of power steering assist within the past four (4) years.

Thermal Event Incidents

Included in response to this supplemental Information Request are 12 alleged thermal events as noted in Table 1. Analysis of this recent information is consistent with prior analyses, including laboratory tests conducted by BMW. The allegations of thermal events can be characterized as local, self-contained, non-propagating, and sometimes self-extinguishing. The events predominantly involve smoke, smoldering, melted wiring and damage caused by heat. Any affects or damage that is alleged to have occurred is confined to the pump, its wiring, and its electrical connectors.

BMW observes that NHTSA appears to have expanded the definition of the alleged defect in this supplemental Information Request to EA11-005. In EA11-005 and the preceding PE10-038, the alleged defect was defined to be “loss of power steering assist.” In this supplemental Information Request however, the alleged defect includes “fire”, as noted in item (c) of the alleged defect definition, with a reference to the definition of fire in 49 CFR 579.4.

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NHTSA EA11-005
4 Jun 2015**

The issue of thermal events for the subject vehicles was investigated by NHTSA in 2007 in PE07-022 and EA07-011. NHTSA closed the investigation stating in the EA07-011 closing resume:

"ALTHOUGH SOME OF THE REPORTS ALLEGING FIRES NOTE SMALL FLAMES WERE VISIBLE IN THE ENGINE COMPARTMENT, ANALYSIS OF THE DAMAGE CAUSED BY THESE FAILURES INDICATES THAT EVEN THE MOST SEVERE INCIDENTS WERE LIMITED TO LOCALIZED THERMAL DAMAGE TO THE EHPS ELECTRICAL CONNECTIONS AND WIRING INSULATION. NONE OF THE COMPLAINTS ALLEGING LOSS OF POWER ASSISTED STEERING INDICATED THAT THE INCREASED EFFORT RESULTED IN A CRASH OR LOSS OF VEHICLE CONTROL."

The agency's evaluation in EA07-011 appears to conclude that the thermal events were self-contained and non-propagating, based upon the reports provided by BMW, and from the reports provided by consumers directly to NHTSA. This conclusion was further supported by BMW's vehicle repair claims typically consisting of a replacement of only the power steering pump and associated wiring. In addition to the agency's analysis, BMW had performed its own review which included laboratory analyses of power steering pumps. BMW came to the same conclusion, i.e., that the events were local, self-contained, non-propagating, and sometimes self-extinguishing.

- 2. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 2, state the following information. Each response should be in an individual and separate column:**
- a. BMW'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 17-character VIN;**
 - e. Vehicle's model;**
 - f. Vehicle's model year;**
 - g. Vehicle's mileage at time of incident;**
 - h. Incident date;**
 - i. Report or claim date;**
 - j. Whether a crash is alleged;**
 - k. Whether a fire is alleged;**
 - l. Whether a loss of vehicle control is alleged;**
 - m. Whether the subject component was allegedly replaced (Y/N);**
 - n. Whether property damage is alleged;**
 - o. Number of alleged injuries;**
 - p. If an injury is alleged, explain the type of injury; and**
 - q. Number of alleged fatalities, if any.**

Provide this information in Microsoft Access 2010, or a compatible format, entitled "COMPLAINT DATA."

Response:

The source of this information is our customer contact database, field report databases, and legal databases, and is current as of 30 April 2015.

**BMW Response
to
NHTSA EA11-005
4 Jun 2015**

Attachment "COMPLAINT-DATA" on CD No. 1 contains the requested information. Separate tabs are provided for each category of information. Within each tab, the information is organized chronologically.

- 3. 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.) and describe the method BMW used for organizing the documents.**

Response:

The source of this information is our customer contact database, field report databases, and legal databases, and is current as of 30 April 2015.

Attachment "CONSUMER-COMPLAINTS" on CD No. 1 contains copies of the consumer complaints that may relate to the alleged defect in the subject vehicles.

Attachment "FIELD-REPORTS" on CD No. 1 contains copies of the field reports that may relate to the alleged defect in the subject vehicles.

- 4. State, within the body of BMW's response to this letter, a total count, by model and model year, for all vehicles included under BMW's Warranty Coverage Extension / Repair Expense Reimbursement program that have been paid by BMW to date, as described under BMW Service Information Bulletin SI M01 01 13.**

Separately, for each such claim, state the following information (each response should be in an individual and separate column):

- a. **BMW's claim number;**
- b. **Claim description, (i.e. warranty, TSB, extended warranty, good will, etc);**
- c. **Vehicle owner or fleet name (and fleet contact person) and telephone number;**
- d. **Vehicle's 17-character VIN;**
- e. **Vehicle's model;**
- f. **Vehicle's model year;**
- g. **Repair date;**
- h. **Vehicle mileage at time of repair;**
- i. **Replacement part number(s);**
- j. **Part number description(s);**
- k. **Repairing dealer's or facility's name and telephone number;**
- l. **Repairing dealer's or facility's city;**
- m. **Repairing dealer's or facility's state;**
- n. **Labor operation number;**
- o. **Problem code;**
- p. **Whether a loss of vehicle control is alleged;**
- q. **Statements made by customer; and,**
- r. **Comments, if any, by dealer/technician relating to claim and/or repair.**

Provide this information in Microsoft Access 2010, or a compatible format, entitled "Warranty Coverage Extension DATA."

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to
NHTSA EA11-005
4 Jun 2015**

Response:

The source of this information is our warranty claims database and is current as of 30 April 2015.

The total number of paid warranty claims that may relate to the alleged defect in the subject vehicles is 17,721. The total number by Model and Model Year is contained in Table 2.

Model	Model Year			
	2002	2003	2004	2005
Cooper	1,317	2,859	2,970	1,696
Cooper S	993	2,363	2,500	1,679
Cooper Convertible	N/A	N/A	N/A	837
Cooper S Convertible	N/A	N/A	N/A	507

Table 2.

Attachment "Warranty-Coverage-Extension-DATA" on CD No. 1 contains the requested information.