

**VIA FEDERAL EXPRESS**

October 4, 2012



Mr. Frank S. Borris II  
Director  
Office of Defects Investigation  
Enforcement  
National Highway Traffic Safety Administration  
1200 New Jersey Avenue, S.E.  
Washington, D.C. 20590

**Re: Engineering Analysis EA12-001 to Investigate Inadvertent Airbag  
Deployment in Jeep Liberty Vehicles; Response to Peer Vehicle  
Information Request**

Dear Mr. Borris:

This letter is submitted on behalf of our clients Mercedes-Benz USA, LLC (MBUSA) and Daimler AG (collectively "Mercedes") to the National Highway Traffic Safety Administration ("NHTSA" or "Agency") in response to the Office of Defects Investigation's request for peer vehicle information relating to the Agency's investigation of allegations of inadvertent airbag deployments in certain 2002 and 2003 Jeep Liberty vehicles. Specifically, the Agency has requested information regarding model year 2000-2004 Mercedes vehicles equipped with TRW electronic airbag modules containing the same ASIC chip as the Jeep Liberty vehicles ("subject peer vehicles"). The "subject component" is defined as airbag control modules supplied by TRW containing the same ASIC circuit (P/N 150734-2/LMB4009) as used in the MY 2002-2003 Jeep Liberty.

Mercedes has not manufactured any vehicles meeting the definition of subject peer vehicle. Mercedes only utilized the subject TRW component for earlier model year M-Class vehicles. Beginning with model year 2000, these vehicles were equipped with additional rear side airbags, which required use of a different control unit capable of accommodating the increased number of airbags. Mercedes changed suppliers at that point. Thus, Mercedes has no vehicles meeting the definition of "subject peer vehicles"

in the NHTSA information request. Moreover, the non-peer Mercedes vehicles that did utilize the subject component were also equipped with a mechanical safing sensor to monitor for vehicle deceleration, and validate any signals (from the control unit) indicating a crash situation requiring the deployment of the frontal airbags, which minimizes the risk of inadvertent deployment.

### **Responses to Requests No. 1-8**

**Request No. 1:**     *State within the body of the response letter a summary table, by make, model and model year, the number of peer vehicles Mercedes Benz has manufactured for sale or lease in the United States. Separately, for each peer vehicle manufactured to date by Mercedes Benz, state the following:*

- a.    Vehicle identification number (VIN);*
- b.    Make;*
- c.    Model;*
- d.    Model Year;*
- e.    Date of manufacture (in "yyyy/mm/dd" date format);*
- f.    Date warranty coverage commenced (in "yyyy/mm/dd" date format);*
- g.    The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease;*
- h.    Total number of airbags and seat belt pre-tensioners;*
- i.    If equipped with seat belt pre-tensioners;*
- j.    If equipped with side-impact airbags; and*
- k.    If equipped with side head curtain airbags.*

*Provide the table in Microsoft Access 2007, or a compatible format, entitled "Q1\_PRODDATA.accdb" Multiple model vehicle data can be provided in separate tables within a single database file providing that the overall file size does not exceed 1GB.*

### **Response to Request No. 1:**

As noted above, Mercedes has no subject peer vehicles responsive to this request.

**Request No. 2:**     *State the number of each of the following reports, received by Mercedes Benz, or of which Mercedes Benz is otherwise aware, which relate to, or may relate to, the subject condition in the subject peer 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 subject condition or defect in a subject peer vehicle, property damage claims, consumer complaints, or field reports;*
- d. Property damage claims;*
- e. Third-party arbitration proceedings where Mercedes Benz is or was a party to the arbitration; and*
- f. Lawsuits, both pending and closed, in which Mercedes Benz is or was a defendant or codefendant.*

*For subparts "a" through "d" state within the body of the response letter a summary table containing the total number of each item (e.g., a. consumer complaints, b. 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 Mercedes Benz'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.*

**Response to Request No. 2:**

As noted above, Mercedes has no subject peer vehicles responsive to this request.

**Request No. 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. Mercedes Benz's file number or other identifier used;*
- b. The category of the item, as identified in Request No. 2 (i.e., a. consumer complaint, b. 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 the incident;*
- g. Incident date (in "yyyy/mm/dd" date format);*
- h. Report or claim date (in "yyyy/mm/dd" date format);*
- i. Whether a fire or crash is alleged;*
- j. Whether property damage is alleged;*
- k. Number of alleged injuries, if any; and*
- l. Number of alleged fatalities, if any and;*
- m. Specify which airbag device(s) had deployed (i.e. Drv 1, Drv 2, Pass1, Pass2, Drv Side, Pass Side, Drv Curtain, Drv SB and/or Pass SB as applicable).*

*Provide this information in Microsoft Access 2007, or a compatible format, entitled "Q3\_ORDATA.accdb." Multiple model vehicle data can be provided in separate tables within a single database file providing that the overall file size does not exceed 1GB.*

**Response to Request No. 3:**

As noted above, Mercedes has no subject peer vehicles responsive to this request.

**Request No. 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., a. consumer complaints, b. field reports, f. lawsuits etc.) and describe the method Mercedes Benz used for organizing the documents.*

**Response to Request No. 4:**

As noted above, Mercedes has no subject peer vehicles responsive to this request.

**Request No. 5:** *State within the body of the response letter a summary table, by model and model year, a total count for each of the following categories of claims, collectively, that have been paid by Mercedes Benz to date that relate to, or may relate to, the subject condition in the subject 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. Mercedes Benz's claim number;*
- b. Vehicle owner or fleet name (and fleet contact person) and telephone number;*
- c. VIN;*
- d. Repair date (in "yyyy/mm/dd" date format);*
- 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. Cause and correction of concern;*

- I. *Comment, if any, by dealer/technician relating to claim and/or repair;*

*Count as a separate claim each repair/incident assigned to a separate claim/report number, even if a single vehicle is involved. Count as a single claim any duplicative claims assigned the same claim/report number.*

*Provide the detailed information in Microsoft Access 2007, or a compatible format, entitled "Q5\_WRNTYDATA.accdb." Multiple model vehicle data can be provided in separate tables within a single database file providing that the overall file size does not exceed 1GB.*

**Response to Request No. 5:**

As noted above, Mercedes has no subject peer vehicles responsive to this request.

**Request No. 6:** *Describe in detail the search criteria used by Mercedes to identify the claims identified in response to Request No. 3, 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 subject condition in the subject peer vehicles. State, by make and model year, the terms of the new vehicle warranty coverage offered by Mercedes on the subject peer vehicles (i.e., the number of months and mileage for which coverage is provided and the vehicle systems that are covered) and if it covers inadvertent side-airbag deployments (without an actual side crash, but sensors did sense a shock pulse). Describe any extended warranty coverage option(s) that Mercedes offered for the subject peer vehicles and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty and if it covers inadvertent side-airbag deployments.*

**Response to Request No. 6:**

As noted above, Mercedes has no subject peer vehicles responsive to this request.

**Request No. 7:**      *Separately, for each model and model year of the subject peer vehicles, provide the manufacturer short and long nomenclature/name for the electronic airbag module (i.e. RCM/Restraint Control Model etc. . .), the module part number including revision number (Mercedes and TRW numbers), when it was put into production service (mm/yy), and what airbag system services (i.e. frontal, side-impact, head curtain and/or seat belt pretensioners) the module can deploy.*

**Response to Request No. 7:**

As noted above, Mercedes has no subject peer vehicles responsive to this request.

**Request No. 8:**      *Furnish Mercedes' assessment of the alleged problem condition in the subject peer vehicle(s), 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; and*
- e. What warnings (both visually and audibly), if any, the operator would have that the alleged defect or problem condition was occurring or about to occur, or that the subject component was*

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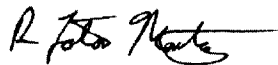
*malfunctioning (does the airbag light illuminate intermittently or in a constant ON mode).*

**Response to Request No. 8:**

As noted above, Mercedes has no subject peer vehicles responsive to this request.

Feel free to contact us with any questions regarding this submission.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Latane Montague".

R. Latane Montague

Partner  
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D 1-202-637-6567