



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

1111 16 2013

1200 New Jersey Avenue SE.
Washington, DC 20590

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Julian Soell
General Manager, Engineering Services
Mercedes-Benz USA, LLC
One Mercedes Drive, P.O. Box 350
Montvale, NJ 07645

NVS-212jfa
EA13-003

Dear Mr. Soell:

The Office of Defects Investigation (ODI) at the National Highway Traffic Safety Administration (NHTSA) completed its Preliminary Evaluation (PE12-001) investigating allegations of fuel leaks at or near the top of the fuel tank assembly in model year (MY) 2003-2006 Mercedes-Benz AMG E55 vehicles made by Daimler AG and imported by Mercedes-Benz USA, LLC (collectively, "MB"). Based on our analysis of the information received in PE12-001, ODI upgraded this matter to an Engineering Analysis (EA) on March 15, 2013. The NHTSA assigned identification number is EA13-003.

Since opening PE12-001, this office has received an additional 528 Vehicle Owner Questionnaires (VOQs) alleging fuel leaks at or near the top of the fuel tank, particularly after refueling, in E-Class vehicles. A copy of each of the reports noted above, and whose ODI numbers are listed at the end of this letter, have been sent electronically to your office for your information.

As part of the EA investigation this letter requests information related to NHTSA's investigation on the MY 2003 through 2008 E-Class vehicles manufactured by Daimler AG and requests updated and additional information from MB.

ODI is also requesting information concerning the safety recall of certain MY 2011 and 2012 MB S-, C-, E-, E-Coupé, GLK-, and CL-Class vehicles involved in safety recall 12V-557¹. The Defect and Noncompliance Information Report filed on November 30, 2012, stated that the recall was based on a determination by Daimler AG regarding irregularities in the fuel filter flange. Specifically, injection molding process issues could result in reduced thickness or strength in certain areas of the flange and over time the flange could crack and result in fuel leaks and/or a loss of fuel system pressure and flow.

¹ Mercedes-Benz Campaign Number 2013020002

Please note that this letter requests data on other MB vehicles beyond MY 2003 through 2008 E-Class vehicles for ODI's comparative assessment.

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

- **Subject vehicles**: MY 2003 through 2009 E-Class vehicles manufactured for sale or lease in the United States.
- **Peer vehicles**: All other MB vehicles produced that use the same subject components as the subject vehicles manufactured for sale or lease in the United States.
- **Subject components**: The fuel storage tank, fuel filter module, fuel filter module seal, fuel pump module including all of its sub-assemblies and components, fuel pump module seal, and the onboard refueling vapor recovery (ORVR) vent line and all related parts or components that connect it to the refueling limiter valve.
- **Safety Recall No. 12V-557**: MB's recall of certain MY 2011 and 2012 MB S-, C-, E-, E-Coupé, GLK-, and CL-Class vehicles, as described by MB's November 30, 2012 Defect and Noncompliance Information Report, and all associated documents, tests, and analyses.
- **Response to PE12-001**: MB's April 13, 2012 response to ODI's February 14, 2012 request for information in PE12-001, including all documents produced in response.
- **MB**: Mercedes-Benz USA, LLC, and its parent, Daimler AG, all of its 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 MB (including all business units and persons previously referred to), who are or, in or after 2001, 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**: Any leakage of liquid fuel or fuel vapors that relate to, or may relate to any of 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 MB, 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 the MB 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 MB has previously provided a document to ODI, MB 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 MB'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** vehicles MB has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by MB, state the following:
 - a. Vehicle identification number (VIN);
 - b. Model;
 - c. Model Year;
 - d. Date of manufacture;
 - e. Date warranty coverage commenced; and,
 - f. The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease).

Provide this information in a table in Microsoft Excel entitled "EA13-003 PRODUCTION DATA SUBJECT VEHICLES." **Provide the table in the same format as in response to PE12-001.**

2. State, by model and model year, the number of **peer** vehicles MB has manufactured for sale or lease in the United States. Separately, for each peer vehicle manufactured to date by MB, state the following:
 - a. Vehicle identification number (VIN);
 - b. Model;
 - c. Model Year;
 - d. Date of manufacture;
 - e. Date warranty coverage commenced; and,
 - f. The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease).

Provide this information in a table in Microsoft Excel entitled "EA13-003 PRODUCTION DATA PEER VEHICLES." **Provide the table in the same format as in response to PE12-001.**

3. State the number of each of the following, received by MB, or of which MB is otherwise aware, which relate to, or may relate to, the alleged defect in the **subject** vehicles **since MB's response to PE12-001**:
 - a. Consumer complaints;

- b. Field reports, including dealer field reports;
- c. Reports involving a fire, 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 the alleged defect in a subject vehicle, property damage claims, consumer complaints, or field reports;
- d. Third-party arbitration proceedings where MB is or was a party to the arbitration; and,
- e. Lawsuits, both pending and closed, in which MB is or was a defendant or codefendant.

For subparts "a" through "e," state the total number of each item (e.g., consumer complaints, reports from retailers, etc.) separately. Multiple incidents involving the same vehicles 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 item "c" provide a summary description of the alleged problem and causal and contributing factors and MB's assessment of the problem, with a summary of the significant underlying facts and evidence. For items "d" and "e," 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. MB's file number or other identifier used;
 - b. The category of the item, as identified in Request No. 3 (i.e., consumer complaint, report from retailer, etc.);
 - c. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
 - d. Vehicle identification number (VIN);
 - e. Vehicles model and model year;
 - f. Vehicles mileage at the time of the incident;
 - g. Incident date;
 - h. Report or claim date;
 - i. Whether leakage of liquid fuel is alleged (yes/no);
 - j. Whether leakage of liquid fuel inside vehicle is alleged (yes/no);
 - k. Whether leakage of liquid fuel outside vehicle is alleged (yes/no);
 - l. Whether the smell of fuel vapors is alleged (yes/no);
 - m. Whether a fire is alleged;
 - n. Whether property damage is alleged;
 - o. Number of alleged injuries; and,
 - p. Number of alleged fatalities.

Provide this information in a table in Microsoft Excel entitled, "EA13-003 REQUEST NUMBER THREE DATA SUBJECT VEHICLES." **Provide the table in the same format as in response to PE12-001.**

5. Produce copies of all documents related to each item within the scope of Request No. 3. Organize the documents separately by category (i.e., consumer complaints, reports from retailers, etc.) and describe the method MB used for organizing the documents.
6. State the number of each of the following, received by MB, or of which MB is otherwise aware, which relate to, or may relate to, the alleged defect in the **peer** vehicles:
 - a. Consumer complaints;
 - b. Field reports, including dealer field reports;
 - c. Reports involving a fire, 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 the alleged defect in a subject vehicle, property damage claims, consumer complaints, or field reports;
 - d. Third-party arbitration proceedings where MB is or was a party to the arbitration; and,
 - e. Lawsuits, both pending and closed, in which MB is or was a defendant or codefendant.

For subparts "a" through "e," state the total number of each item (e.g., consumer complaints, reports from retailers, etc.) separately. Multiple incidents involving the same vehicles 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 item "c" provide a summary description of the alleged problem and causal and contributing factors and MB's assessment of the problem, with a summary of the significant underlying facts and evidence. For items "d" and "e," 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.

7. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 6, state the following information:
 - a. MB's file number or other identifier used;
 - b. The category of the item, as identified in Request No. 6 (i.e., consumer complaint, report from retailer, etc.);
 - c. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
 - d. Vehicle identification number (VIN);
 - e. Vehicles model and model year;
 - f. Vehicles mileage at the time of the incident;
 - g. Incident date;
 - h. Report or claim date;
 - i. Whether leakage of liquid fuel is alleged (yes/no);
 - j. Whether leakage of liquid fuel inside vehicle is alleged (yes/no);
 - k. Whether leakage of liquid fuel outside vehicle is alleged (yes/no);
 - l. Whether the smell of fuel vapors is alleged (yes/no);
 - m. Whether a fire is alleged;
 - n. Whether property damage is alleged;

- o. Number of alleged injuries; and,
- p. Number of alleged fatalities.

Provide this information in a table in Microsoft Excel entitled, "EA13-003 REQUEST NUMBER SIX DATA PEER VEHICLES." **Provide the table in the same format as in response to PE12-001.**

8. Produce copies of all documents related to each item within the scope of Request No. 6. Organize the documents separately by category (i.e., consumer complaints, reports from retailers, etc.) and describe the method MB used for organizing the documents.
9. State a total count for all of the following categories of claims, collectively, that have been paid by MB that relate to, or may relate to, the alleged defect in the **subject** vehicles **since MB's response to PE12-001**: warranty claims; extended warranty claims; claims for good will services that were provided, 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. MB's claim number;
- b. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
- c. Vehicle identification number (VIN);
- d. Vehicle model and model year;
- e. Repair date;
- f. Vehicle mileage at time of repair;
- g. Repairing 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. Concern stated by customer; and,
- l. Comment, if any, by the technician or person(s) making the repair, and/or the person(s) processing the claim that relate to the claim and/or repair.

Provide this information in a table in Microsoft Excel entitled "EA13-003 WARRANTY DATA SUBJECT VEHICLES." **Provide the table in the same format as in response to PE12-001, with the exception of adding a column for model year after VIN.**

10. Describe in detail the search criteria used by MB to identify the claims identified in response to Request No. 9, 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 the terms of the new vehicle warranty coverage offered by MB on the subject vehicles (i.e., the number of months for which coverage is provided and the vehicles systems that are covered). Describe any extended warranty coverage option(s) related to the alleged

defect that MB 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.

11. Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the **subject** vehicles that MB has issued to any retailers or distributors, regional or zone offices, field offices, or other such entities **since MB's response to PE12-001**. This includes, but is not limited to, bulletins, advisories, informational documents, training documents, or other documents or communications, with the exception of standard shop manuals. Also include the latest draft copy of any communication that MB is planning to issue within the next 120 business days.
12. State a total count for all of the following categories of claims, collectively, that have been paid by MB that relate to, or may relate to, the alleged defect in the **peer** vehicles: warranty claims; extended warranty claims; claims for good will services that were provided, 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. MB's claim number;
- b. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
- c. Vehicle identification number (VIN);
- d. Vehicle model and model year;
- e. Repair date;
- f. Vehicle mileage at time of repair;
- g. Repairing 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. Concern stated by customer; and,
- l. Comment, if any, by the technician or person(s) making the repair, and/or the person(s) processing the claim that relate to the claim and/or repair.

Provide this information in a table in Microsoft Excel entitled "EA13-003 WARRANTY DATA PEER VEHICLES." **Provide the table in the same format as in response to PE12-001, with the exception of adding a column for model year after VIN.**

13. Describe in detail the search criteria used by MB to identify the claims identified in response to Request No. 12, 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 the terms of the new vehicle warranty coverage offered by MB on the subject vehicles (i.e., the number of months for which coverage is provided and the vehicles systems that are covered). Describe any extended warranty coverage option(s) related to the alleged

defect that MB 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.

14. Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the **peer** vehicles that MB has issued to any retailers or distributors, regional or zone offices, field offices, or other such entities. This includes, but is not limited to, bulletins, advisories, informational documents, training documents, or other documents or communications, with the exception of standard shop manuals. Also include the latest draft copy of any communication that MB is planning to issue within the next 120 business days.
15. Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, 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, MB **since MB's response to PE12-001**. For each such action, provide the following information:
 - a. Action title or identifier;
 - b. The actual or planned start date;
 - c. The actual or expected end date;
 - d. Brief summary of the subject and objective of the action;
 - e. Engineering group(s)/supplier(s) responsible for designing and for conducting the action; and,
 - f. A summary of the findings and/or conclusions resulting from the action.

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.

16. Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, "actions") that relate to, or may relate to, the alleged defect in the **peer** vehicles that have been conducted, are being conducted, are planned, or are being planned by, or for, MB. For each such action, provide the following information:
 - a. Action title or identifier;
 - b. The actual or planned start date;
 - c. The actual or expected end date;
 - d. Brief summary of the subject and objective of the action;
 - e. Engineering group(s)/supplier(s) responsible for designing and for conducting the action; and,
 - f. A summary of the findings and/or conclusions resulting from the action.

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.

17. Describe all modifications or changes made by, or on behalf of, MB in the design, material composition, manufacture, quality control, supply, or installation of the subject components from the start of production to date, which relate to, or may relate to, the alleged defect. Please note that the subject component definition has been expanded from the prior PE12-001 request (and MB's April 13, 2012 response to PE12-001 did not provide responses to all of the sub-parts for that request), therefore a full new response is requested. For each such modification or change, provide the following information:
- a. The date or approximate date on which the modification or change was incorporated into vehicle production;
 - b. A detailed description of the modification or change;
 - c. The reason(s) for the modification or change;
 - d. The part number(s) (service and engineering) of the original component;
 - e. The part number(s) (service and engineering) of the modified component;
 - f. Whether the original unmodified component was withdrawn from production and/or sale, and if so, when;
 - g. When the modified component was made available as a service component;
 - h. Whether the modified component can be interchanged with earlier production components; and,
 - i. Whether the change affected the **subject** and or the **peer** vehicles;

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

18. Provide the following information regarding the subject components:
- a. Provide copies of all failure mode and effects analyses (FMEA) that were produced by MB or any of the subject component suppliers;
 - b. Provide copies of all engineering specifications or other performance requirements that were produced by MB or any of the subject component suppliers;
 - c. Provide a detailed description of all durability testing and copies of related test results that were conducted by MB or any of the subject component suppliers;
 - d. Provide a list of all parts/subcomponents used in the subject component assemblies, including a picture or drawing of each part, the name of the part, the material composition of the part, the ASTM (American Society for Testing and Materials) and MB material specification/call-outs for all plastic, rubber, and foam parts;
 - e. Describe all processes by which the refueling limiter valve is installed/attached to the plastic material the fuel tank itself is constructed of. Identify and describe all changes or modifications to the process made from the start of production to date, and provide the dates on which they occurred;
 - f. Provide a picture or drawing of the assembled fuel tank system with all parts/subcomponents labeled; and,
 - g. List all component leakage/fluid integrity tests, and the pressures at which they are conducted, for any subject component subassemblies, including the fuel tank and the fully assembled vehicle, that are conducted either at the supplier level and/or the final assembly stage.

19. For each subject vehicle model and model year:

- a. Provide MB's recommended procedure for refueling the fuel tank, and state how the procedure is communicated to the consumer/vehicle owner;
- b. State the nominal fuel capacity in the storage tank when the procedure identified in item a is followed, and state any normal and expected variation (min and max) around that capacity;
- c. Discuss any factors outside the consumers' direct control that may lead to, or result in overfilling of the fuel tank even when the procedure in item a is followed (e.g., fuel pump nozzle types, variations in pumping rates from one station to another, altitude, ambient and/or fuel temperature, relative humidity, barometric pressure, and/or fuel types/grades);
- d. Discuss any factors within the consumers' control that can lead to overfilling of the fuel tank (e.g., the fuel level at the point they decide to refill the tank, how many times they reapply the fuel pump nozzle after it has automatically shut off, how fully they depress the fuel nozzle handle when refilling, etc.);
- e. Based on the factors identified in items c and d, and any others, state what in MB's view would constitute a refueling procedure that would result in an unreasonable (or abusive) overfilling of the fuel storage system, and describe the specific procedure;
- f. For the procedure described in item e, state the storage tank fuel capacity the procedure would result in, and state any expected variation (min and max) around that value;
- g. For the procedure described in item e, state the volume of fuel, if any, that may accumulate in the ORVR vent tube (or other ORVR system components) above the refueling limiter valve, and state any expected variation (min and max) around that value, and state the maximum amount of fuel that can accumulate in this same area under any conditions;
- h. Describe the expected air pressure in the tank under conditions of minimum and maximum design intent ambient temperatures when the fuel level is full and overfilled (as in items b and e) when the vehicle is static, and describe any normal operating conditions (e.g., aggressive driving, engine operation at idle or wide-open throttle, during hot soak conditions, etc.) that would cause increases or decreases in the fuel tank's internal air pressure;
- i. Describe in detail the venting system that controls the minimum and maximum air pressures in the tank, list all components involved (including the fuel cap), describe their function, and state the expected range of pressures at which the system will vent air into or out of the tank, and describe any variables (temperature, altitude, pressure, etc.) that may impact the system's operation;
- j. Describe the expected air pressure on both sides of the fuel filter module access port cover plate when the vehicle is being driven in a steady-state at 70 MPH (assume no head/tail wind and worst case conditions for window opening);
- k. State the maximum pressure differential that the sealing components for the fuel filter module access port cover plate, including the material that seals the electrical harness² that connects to the fuel filter module, can sustain for i) as manufactured (new) components, and ii) for components that have been saturated and/or otherwise effected by gasoline.

² Seals the harness between the vehicle body and the fuel filter module access port cover plate.

- l. Identify the material used to seal the fuel filter module access port cover plate to the vehicle body and describe the suitability of the material for use in environments with liquid and vaporous gasoline; and,
 - m. Identify the material used to seal the electrical harness that connects to the fuel filter module and describe the suitability of the material for use in environments with liquid and vaporous gasoline;
20. This request is intended to assist ODI in its understanding of the physical fuel level within the fuel tank under specific circumstances. For each unique design subject vehicle fuel tank installation, and for a fuel tank section taken about a lateral (transverse) plane that passes through the center of the refueling limiter valve, produce a drawing that shows the fuel level (i.e., the fluid level across the tank's sectioned width) under the following conditions:
- a. The tank is at nominal full such as described in Request 19, item b, and;
 - i) Accelerating at 0.2 g;
 - ii) Decelerating at 0.2 g;
 - iii) Turning right at 0.2 g;
 - b. The tank is overfilled as described in Request 19, item e, and;
 - i) Accelerating at 0.2 g;
 - ii) Decelerating at 0.2 g;
 - iii) Turning right at 0.2 g; and,
 - c. The tank is at $\frac{3}{4}$ of nominal full, and
 - i) Accelerating at 0.2g;
 - ii) Decelerating at 0.2g;
 - iii) Turning right at 0.2g.
21. This request is intended to assist ODI in its understanding of the physical fuel level within the fuel tank under specific circumstances. For each unique design subject vehicle fuel tank installation, and for a fuel tank section taken about a longitudinal plane that passes through the center of the fuel filter module, produce a drawing that shows the fuel level (i.e., the fluid level across the tank's sectioned length) under the following conditions:
- a. The tank is at nominal full such as described in Request 19, item b, and;
 - i) Accelerating at 0.2 g;
 - ii) Decelerating at 0.2 g;
 - iii) Turning right at 0.2 g;
 - b. The tank is overfilled as described in Request 19, item e, and;
 - i) Accelerating at 0.2 g;
 - ii) Decelerating at 0.2 g;
 - iii) Turning right at 0.2 g; and,
 - c. The tank is at $\frac{3}{4}$ of nominal full, and
 - i) Accelerating at 0.2g;
 - ii) Decelerating at 0.2g;
 - iii) Turning right at 0.2g.

22. This request is intended to assist ODI in its understanding of fluid accumulation in the fuel tank depression above the fuel filter module (referred to as a “containment well”), the subject component leakage sources that can contribute to liquid fuel accumulation in the containment well, and the path the fluid takes if it overruns the containment well. For each unique design subject vehicle fuel tank installation:
- a. State the nominal volume and expected variations (min and max) of fluid that can accumulate in the containment well (i.e., without escaping or overrunning) when the vehicle is at rest and on level ground;
 - b. Identify all known subject component leakage sources that can contribute to accumulation of fuel in the containment well, and discuss the path fuel travels to get from the leak source to the containment well;
 - c. Discuss specifically whether or not leakage from the ORVR vent tube, the refueling limiter valve, or the device(s) that connects the two components together will contribute to fuel in the containment well;
 - d. For each leakage source identified in item b, state the nominal volumes and expected variations (min and max) of fuel the source can potentially contribute to the containment well, and discuss any factors (such as ambient temperature, pressure, fuel tank fill level, vehicle attitude, or affects from driving circumstances) that can affect this volume;
 - e. In the event fluid does accumulate to a level that results in an overrun from the containment well, describe the path the fluid would take as it runs off the top of the fuel tank when the vehicle is static and on level ground, and describe any other path(es) that may result if the vehicle is being driven, and the driving circumstances that cause them;
 - f. If fuel were to contact exhaust system components during an overrun condition from the containment well, discuss in detail the possibility that the fuel could self-ignite due to contact with high-temperature surfaces, and provide information to substantiate this assessment;
 - g. Discuss and describe any other vehicle-borne ignition sources that may ignite liquid fuel either while it sits in, or if it overruns the containment well;
 - h. State the nominal and expected variations (min and max) of the vertical distance that exists between the lower edge of the vehicle body (i.e., the body panel in the area just above the containment well where the fuel filter module access cover is secured) and the upper surface of the fluid when the containment well is filled to its maximum level (i.e., just before overrun), and the vehicle is static and on level ground; and,
 - i. Provide diagrams and/or other illustrations depicting the dimensions described in item h and specifically showing the relationship between the fuel level and a) the lowest point of the fuel filter module access cover, and b) the depression in the body panel where the electrical harness that connects to the fuel filter module is routed.
23. From discussions with complainants ODI is aware of two additional leak sources associated with the fuel filter module and the fuel tank. Specifically, liquid fuel leaking from the pressure sensor located on the top of the fuel filter module, and from the fuel tank at the interface of the refueling limiter valve to the plastic material the fuel tank is constructed of. Discuss in detail MB’s assessment as to the cause of these leak sources and identify the

amount of fuel that could leak from each source both individually and collectively when the tank is filled to a nominal, overfilled, and $\frac{3}{4}$ of nominal filled condition.

24. This request relates to NHTSA Safety Recall No. 12V-557. On November 30, 2012, MB submitted a Defect and Noncompliance Information Report to notify the agency of its decision to conduct a safety recall on certain MY 2011 and 2012 MB S-, C-, E-, E-Coupé, GLK-, and CL-Class vehicles to remedy a defect in the fuel filter module. In the defect description, MB stated that the flange of the fuel filter could crack and result in fuel leaks and/or a loss of fuel system pressure and flow. NHTSA assigned Safety Recall No. 12V-557 to MB's recall action. Regarding Safety Recall No. 12V-557:
- a. Provide the total number (counts) of each of the following that MB received, or was otherwise aware of, as of the date that MB determined that a safety recall should be initiated in the U.S., by make, model, and model year of the recalled vehicles:
 - i) Consumer complaints;
 - ii) Warranty claims;
 - iii) Fire allegations;
 - iv) Injuries or injury allegations; and,
 - v) Fatalities or fatality allegations.
 - b. Provide a narrative description of any and all similarities and/or differences between the fuel filter module of the vehicles within the scope of Safety Recall No. 12V-557 and the fuel filter module used on the subject and peer vehicles.
 - c. Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, "actions") that led to, or preceded the determination to conduct Safety Recall No. 12V-557 and its remedy. For each such action, provide the following information:
 - i) Action title or identifier;
 - ii) The actual or planned start date;
 - iii) The actual or expected end date;
 - iv) Brief summary of the subject and objective of the action;
 - v) Engineering group(s)/supplier(s) responsible for designing and for conducting the action;
 - vi) A brief summary of the findings and/or conclusions resulting from the action; and,
 - vii) Whether each action is identified and/or described in the Chronology (Part 573.5 (c)(6)) section of the Safety Recall No. 12V-557 Defect and Noncompliance Information Report.
25. In consideration of any additional information accumulated and evaluated in preparation of MB's response to this letter, furnish an update to MB's assessment of the alleged defect in the subject vehicle, 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. The fire risk that it poses;
- f. 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 was malfunctioning; and,
- g. The reports included with this inquiry.

Legal Authority for This Request

This letter is being sent to MB 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.

Civil Penalties

MB's failure to respond promptly and fully to this letter could subject MB 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.) The Vehicle Safety Act, as amended, 49 U.S.C. § 30165(a), provides for civil penalties of up to \$7,000 per day, with a maximum of \$17,350,000 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 77 Fed. Reg. 70710 (November 27, 2012)). This includes failing to respond completely to ODI information requests.

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

Confidential Business Information

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 EA13-003 in MB's response to this letter and in any confidentiality request submitted to the Office of Chief Counsel.

If MB 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, MB 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. MB 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 phrase "ENTIRE PAGE CONFIDENTIAL BUSINESS INFORMATION" or "CONTAINS CONFIDENTIAL BUSINESS INFORMATION" (as appropriate) must appear at the top of each page containing information claimed to be confidential, and the information must be clearly identified in accordance with 49 CFR 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. See 49 CFR 512.6(c).

If you have any questions regarding submission of a request for confidential treatment, contact Otto Matheke, Senior Attorney, Office of Chief Counsel at otto.matheke@dot.gov or (202) 366-5253.

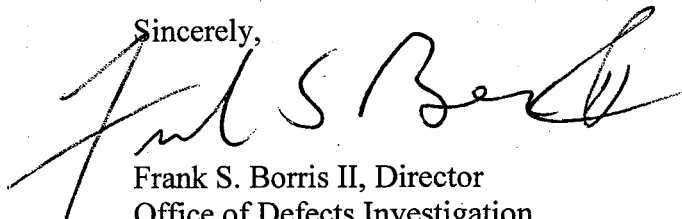
Due Date

MB's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by September 10, 2013. If MB finds that it is unable to provide all of the information requested within the time allotted, MB must request an extension from Mr. D. Scott Yon at (202) 366-0319 no later than five business days before the response due date. If MB 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 MB then has available, even if an extension has been granted.

Please send email notification to Mr. John Abbott at john.abbott@dot.gov and to ODI_IRresponse@dot.gov when MB sends its response to this office and indicate whether there is confidential information as part of MB's response.

If you have any technical questions concerning this matter, please call John Abbott of my staff, at (202) 366-5221.

Sincerely,



Frank S. Borris II, Director
Office of Defects Investigation
Enforcement

List of 528 VOQ #'s as cited above: 10207734, 10228665, 10262767, 10281194, 10287486, 10303894, 10311110, 10332416, 10361324, 10363434, 10364069, 10366573, 10366738, 10370377, 10383238, 10384539, 10386015, 10387349, 10390093, 10392282, 10395745, 10396056, 10396714, 10398248, 10405103, 10405830, 10409763, 10410946, 10412613, 10414860, 10416386, 10416768, 10418272, 10423845, 10424435, 10427711, 10428736, 10432494, 10433494, 10433530, 10433623, 10436439, 10437403, 10437948, 10438482, 10438746, 10439711, 10439789, 10441507, 10442575, 10442586, 10442775, 10443819, 10443882, 10444833, 10445117, 10445262, 10445597, 10446799, 10448021, 10448215, 10448413, 10449321, 10449556, 10449639, 10449768, 10450013, 10450014, 10450027, 10450038, 10450043, 10450058, 10450075, 10450082, 10450085, 10450105, 10450112, 10450138, 10450146, 10450245, 10450274, 10450572, 10450699, 10450703, 10450801, 10450804, 10451076, 10451510, 10451541, 10451777, 10451814, 10452126, 10452295, 10452616, 10452657, 10452702, 10452809, 10452936, 10453271, 10453363, 10453508, 10453677, 10453687, 10453698, 10454344, 10454625, 10454740, 10454789, 10454995, 10455065, 10455077, 10455099, 10455105, 10455402, 10455695, 10455796, 10456286, 10456340, 10456807, 10456826, 10456827, 10457124, 10457197, 10457374, 10457800, 10458086, 10458202, 10458621, 10458733, 10458782, 10458838, 10459019, 10459030, 10459324, 10459332, 10459497, 10460857, 10460971, 10460985, 10461008, 10461100, 10462208, 10462812, 10462893, 10463524, 10463533, 10463916, 10463959, 10464030, 10464215, 10465341, 10467117, 10467120, 10467522, 10467539, 10468113, 10468224, 10468261, 10468401, 10468513, 10468809, 10468849, 10468907, 10469035, 10469153, 10469388, 10469587, 10469732, 10470194, 10470225, 10470263, 10470698, 10470742, 10470786, 10470856, 10471486, 10471495, 10471596, 10471775, 10471956, 10472417, 10472481, 10472501, 10472528, 10472529, 10472667, 10472822, 10472836, 10472898, 10473223, 10473234, 10473709, 10474378, 10475075, 10475084, 10475122, 10475221, 10475272, 10475339, 10475364, 10475497, 10475532, 10475735, 10475758, 10475761, 10475975, 10476592, 10476612, 10476653, 10476789, 10476853, 10476870, 10476883, 10477013, 10477451, 10477466, 10477951, 10477972, 10478019, 10478227, 10478281, 10478287, 10478385, 10478396, 10478412, 10478442, 10478512, 10478533, 10478568, 10478819, 10479291, 10479299, 10479305, 10479317, 10479488, 10479783, 10479849, 10479895, 10479961, 10480056, 10480147, 10480163, 10480541, 10480640, 10480739, 10480769, 10480803, 10480873, 10481218, 10481239, 10481268, 10481313, 10481448, 10481555, 10482041, 10482449, 10482539, 10482559, 10482778, 10483247, 10483296, 10483306, 10483481, 10483683, 10483923, 10483941, 10484554, 10484571, 10484598, 10484730, 10484913, 10484999, 10485085, 10485354, 10486078, 10486146, 10486174, 10486195, 10486211, 10486246, 10486300, 10486320, 10486389, 10487185, 10487250, 10487448, 10487559, 10487629, 10488623, 10488639, 10488712, 10488739, 10488824, 10489061, 10489467, 10489513, 10489541, 10490591, 10490828, 10490831, 10491579, 10491612, 10491726, 10491917, 10492206, 10492409, 10492867, 10493039, 10493092, 10493240, 10493250, 10493376, 10493607, 10493610, 10493645, 10493656, 10493811, 10494503, 10494576, 10494582, 10494774, 10494859, 10494898, 10495100, 10495172, 10495178, 10495187, 10495286, 10495302, 10495337, 10496286, 10496318, 10496363, 10496384, 10496708, 10496889, 10497764, 10498086, 10499366, 10499403, 10499519, 10499658, 10499808, 10499836, 10499878, 10499898, 10499953, 10500321, 10500504, 10500523, 10500944, 10501065, 10501337, 10501471, 10502301, 10503026, 10503091, 10503563, 10503564, 10503578, 10503588, 10503592, 10503600, 10503605, 10503635, 10503658, 10503718, 10503725, 10503735, 10503749, 10503769, 10503798, 10503820, 10503823, 10503864, 10503917, 10503924, 10503936, 10503939, 10503950, 10503959, 10503961, 10503974, 10503983, 10504055, 10504138, 10504220, 10504232, 10504261, 10504262, 10504278, 10504283, 10504338, 10504340, 10504358, 10504404, 10504413, 10504427, 10504504, 10504510, 10504530,

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