



U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

1200 New Jersey Avenue SE.
Washington, DC 20590

DEC 28 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Stephen L. Williams, Head
Vehicle Safety Compliance and Product Analysis
Fiat Chrysler Automobiles
800 Chrysler Drive
CIMS-482-00-91
Auburn Hills, MI 48326-2757

NEF-120
RQ15-003ef

Dear Mr. Williams:

On December 22, 2015 FCA submitted a partial Part 573 Defect Information Report (DIR) advising the Agency of its intention to recall certain model year (MY) 2011 – 2012 Jeep Grand Cherokee and Dodge Durango vehicles previously remedied under NHTSA safety recall 14V391 (i.e., this is a recall of a recall remedy). At this writing a new recall number has not been assigned and FCA has not provided remedy procedure details for this new recall action. Through discussion with FCA, ODI understands that the scope of the new recall action will include vehicles built to a certain configuration, specifically those manufactured with a so called “longer” wire lead for the visor light assemblies. The purpose of this letter is to request: 1) updated field incident and related warranty claims data, 2) comprehensive information on service documentation for recall 14V391, 3) information FCA utilized in decision making for the new recall action, and 4) information on remedies FCA has or is considering for this new action, as well as other technical information.

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

- **Subject Vehicles:** all vehicles within the scope of the Subject Recall.
- **Subject Recall:** NHTSA safety recall 14V-391 (Chrysler recall P36).
- **FCA:** Fiat Chrysler Automobiles, Fiat S.p.A, 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 FCA (including all business units and persons previously referred to), who

are or, in or after January 1, 2000, 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:** the Subject Vehicle sun visor and/or headliner assemblies (left or right) catch fire as the result of electrical shorts, defective parts, installation, or service procedures that occurred after application of the Subject Recall remedy procedure.
 - **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 FCA, 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 FCA 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 FCA has previously provided a document to ODI, FCA 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 FCA’s response to each request, identify the source of the information and indicate the last date the information was gathered.

1. State the number of each of the following, received by FCA, or of which FCA is otherwise aware, which relate to, or may relate to, the alleged defect in the Subject Vehicles occurring after the Subject Recall remedy was performed:
 - a. Consumer complaints, including those from fleet operators;
 - b. Field reports, including dealer field reports;
 - c. Reports involving a crash, injury or fatality;
 - d. Reports involving a fire;
 - e. Property damage claims;
 - f. Third-party arbitration proceedings where FCA is or was a party to the arbitration; and
 - g. Lawsuits, both pending and closed, in which FCA is or was a defendant or codefendant.

For subparts “a” through “g” 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 FCA’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.

2. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 1, state the following information:
 - a. FCA'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), street address, email 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. Date vehicle was remedied for the Subject Recall;
 - h. Incident date;
 - i. Report or claim date;
 - j. Whether the incident was known at the time of FCA's decision to conduct a new recall;
 - k. Whether a crash is alleged;
 - l. Whether a fire is alleged;
 - m. Whether property damage is alleged;
 - n. Number of alleged injuries, if any; and
 - o. Number of alleged fatalities, if any.

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

3. Produce copies of all documents related to each item within the scope of Request No. 1. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and describe the method FCA used for organizing the documents. Describe in detail the search methods and search criteria used by FCA to identify the items in response to Request No. 1.
4. State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by FCA to date that relate to, or may relate to, the alleged defect in the Subject 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. FCA's claim number;
- b. Vehicle owner or fleet name (and fleet contact person), street address, email address and telephone number;
- c. VIN;
- d. Repair date;
- e. Remedy date the Subject Recall was completed on;
- f. Vehicle mileage at the time Subject Recall was completed;

- g. Vehicle mileage at time of post-remedy repair;
- h. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
- i. Labor operation number(s);
- j. Problem code(s);
- k. Diagnostic trouble code(s);
- l. Replacement part number(s) and description(s);
- m. Concern stated by customer;
- n. Cause as stated on the repair order;
- o. Correction as stated on the repair order; and
- p. Additional 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 DATA."

- 5. Describe in detail the search methods and search criteria used by FCA to identify the claims in response to Request No. 4, including the labor operations, problem codes, diagnostic trouble codes, part numbers and any other pertinent parameters used.
- 6. Provide a list or table of each document, including any videos or other web publications that FCA has issued to service entities (i.e., dealerships, rental fleets, or other service providers authorized to conduct safety recall remedies for FCA) concerning the remedy repair procedures for the Subject Recall. Include in the list a description of the document (e.g., original service bulletin, revised warranty claims processing, etc.), the document type (TSB, video, etc.), an explanation of the documents purpose (i.e., the issue or concern the document was intended addressed), and the date the document was released or published. If not already provided, provide a copy of each document.
- 7. Produce copies of all documents and/or other materials that were presented or otherwise provided to the decision making body (i.e., the VRC) that approved FCA's recall action reported to NHTSA on December 22, 2015.
- 8. Describe all remedy procedures FCA has considered, or is considering for the new recall action, including at a minimum 1) a further revision of the existing remedy repair procedure (in which case describe the revisions), 2) replacing long lead visor assemblies with the short lead version, 3) use of other visor lighting technology (e.g., bright LEDs) that operate at very low current levels, 4) current limiting or complete disconnection/disablement of the visor light circuit, or 5) any other remedy procedure considered. Discuss FCA's evaluation of each procedure including whether it was eliminated from consideration and the reasons for its elimination. If FCA did not consider a listed approach state so. If a procedure has been selected, describe the procedure and discuss why vehicles outside the scope of the new action are not affected by the condition(s) addressed in the new procedure.
- 9. During a recent discussion FCA described work the company conducted to evaluate current limiting the visor lighting circuit (e.g., by including a low current fuse or circuit breaker) as a means of mitigating headliner fires. FCA indicated that the work showed this approach was not possible or feasible due to the possibility of high resistance visor circuit shorts. Describe

in detail the work FCA conducted in this evaluation, including any findings or conclusions the evaluation produced, and provide all documents and data collected during the evaluation.

10. State whether the Subject Vehicle visor lighting can be disabled (electrically depowered) through software controlled hardware (i.e., whether the software can be revised to depower the vanity lighting).

Legal Authority for This Request

This letter is being sent to FCA 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

FCA's failure to respond promptly and fully to this letter could subject FCA 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)(3), provides for civil penalties of up to \$7,000 per violation per day, with a maximum of \$35,000,000 for a related series of daily violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. This includes failing to respond completely, accurately, and in a timely manner to ODI information requests. The maximum civil penalty of \$7,000 per violation per day is established by 49 CFR 578.6(a)(3). The maximum civil penalty of \$35,000,000 for a related series of daily violations of 49 U.S.C. § 30166 is authorized by 49 U.S.C. § 30165(a)(3) as amended by § 31203(a)(1)(B) of the Moving Ahead for Progress in the 21st Century Act, Public Law 112-141.

If FCA 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, FCA does not submit one or more requested documents or items of information in response to this information request, FCA 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 RQ15-003 in FCA's response to this letter and in any confidentiality request submitted to the Office of Chief Counsel.

If FCA 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, FCA 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. FCA 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) (as amended by 72 Fed. Reg. 59434 (October 19, 2007)).

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

FCA's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by **January 29, 2016**. FCA's response must include all non-confidential attachments and a redacted version of all documents that contain confidential information. If FCA finds that it is unable to provide all of the information requested within the time allotted, FCA must request an extension from me at (202) 366-0139 no later than five business days before the response due date. If FCA 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 FCA then has available, even if an extension has been granted.

Please send email notification to Scott Yon at scott.yon@dot.gov and to ODI_IRresponse@dot.gov when FCA sends its response to this office and indicate whether there is confidential information as part of FCA's response.

If you have any technical questions concerning this matter, please call Evan Frings of my staff at (202) 366-7021.

Sincerely,

Bin E Smith for

D. Scott Yon, Chief
Vehicle Integrity Division
Office of Defects Investigation