

DAIMLER

Daimler Trucks North America
Andy Jones
Manager
Compliance and Regulatory Affairs

VIA FEDERAL EXPRESS

August 30, 2019

Mr. Jonathan Morrison
Chief Counsel
Office of the Chief Counsel (NCC-100)
National Highway Traffic Safety Administration
West Building, W41-326
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Response to NHTSA Audit Query AQ18-002 Request Nos. 5 – 12 and 29 Regarding the Scope and Timeliness of DTNA's Recall No. 17V-761

Dear Mr. Morrison:

Daimler Trucks North America LLC ("DTNA") is submitting its additional response to the National Highway Traffic Safety Administration ("NHTSA" or "Agency") Office of Defects Investigation's Audit Query AQ18-002.

Pursuant to consultations with NHTSA, responses to Request Nos. 1 – 4 were submitted on October 5, 2018, and responses to Request Nos. 30 – 46 were submitted on October 17, 2018. Responses to Request Nos. 5 – 12, regarding Recall No. 17V-761, are contained in this response.

Request Nos. 5 – 12 of NHTSA's Audit Query are repeated below, followed by the corresponding response. In addition, as indicated in DTNA's October 17, 2018 response, because Request No. 29 appears to relate solely to Recall No. 17V-761, DTNA is including its response to that Request in this submission.

For ease of review, the supporting documents for this response are Bates labeled and a document index is provided, as well as a privilege log.

Regarding Recall No. 17V-761 – Brake Lights May Not Activate

Request No. 5:

DTNA's chronology contained in the Part 573 Report for NHTSA Recall No. 17V-761 states that in December 2015 DTNA diagnosed the "original issue" as "a driver education issue and there was no indication that the condition effected the brake lights." Respond to the following requests related to this part of the chronology:

(a) Provide a copy of the "report of a cruise re-engaging after brakes are applied;"

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- (b) Describe the overall process used for DTNA to make a determination that this "original issue" was "a driver education issue" and not a safety-related defect;*
- (c) Identify whether the action is one routinely taken by DTNA in instances where a safety defect may exist;*
- (d) Explain why the action did not reveal the defect existed; and*
- (e) Provide copies of all documents, including but not limited to presentations, executive summaries, summary findings, memoranda, agendas, or recommended actions, whether in final or draft, associated with or used in preparation for DTNA's December 2015 diagnosis.*

Response to Request No. 5:

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information responsive to this Request in August 2019.] DTNA last gathered

Request No. 6:

DTNA's chronology contained in the Part 573 Report for NHTSA Recall No. 17V-761 states, "April 2016, an additional review of warranty revealed a potential issue whereby the stop light switch may not activate." Respond to the following requests relating to this part of the chronology:

- (a) Explain what prompted the "additional review of warranty;"*
- (b) Identify and describe the nature of this warranty review;*
- (c) Identify whether the action is one routinely taken by DTNA in instances where a safety defect may exist;*
- (d) Explain what "revealed a potential issue;"*
- (e) Explain why this warranty review did not reveal the defect existed; and*
- (f) Produce a copy of all documents, including but not limited to presentations, executive summaries, summary findings, memoranda, agendas, or recommended actions, whether in final or draft, associated with or used to make the determination that there was "a potential issue."*

Response to Request No. 6:

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information responsive to this Request in August 2019.] DTNA last gathered

Request No. 7:

DTNA's chronology contained in the Part 573 Report for NHTSA Recall No. 17V-761 states, "April 2016 to November 2016, returned switches were returned to the supplier where testing of the components showed no problem found." Respond to the following requests relating to this part of the chronology:

- (a) Describe the testing done between April 2016 and November 2016;*
- (b) Identify whether the action is one routinely taken by DTNA in instances where a safety defect may exist;*
- (c) Explain why the testing showed there was "no problem found;"*
- (d) Explain why this testing did not reveal the defect existed; and*
- (e) Provide all documents, including but not limited to presentations, executive summaries, summary findings, memoranda, agendas, or recommended actions, whether in final or draft, related to the determination that "testing of the components showed no problem found."*

Response to Request No. 7:

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] DTNA last gathered
information responsive to this Request in August 2019.

Request No. 8:

DTNA's chronology contained in the Part 573 Report for NHTSA Recall No. 17V-761 states, "December 2016 to May 2017 DTNA continued to do an extensive investigation into the root cause of the failure." Respond to the following requests relating to this part of the chronology:

- (a) Describe the investigation done between December 2016 to May 2017;*
- (b) Identify whether the action is one routinely taken by DTNA in instances where a safety defect may exist; and*
- (c) Explain why this investigation did not reveal the defect existed. .*

Response to Request No. 8:

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information responsive to this Request in August 2019.] DTNA last gathered

Request No. 9:

DTNA's chronology contained in the Part 573 Report for NHTSA Recall No. 17V-761 states, "May 2017 to October 2017, DTNA used a new test setup . . . along with further testing by the supplier." Respond to the following requests relating to this part of the chronology:

- (a) Describe the testing done between May 2017 to October 2017;*
- (b) Identify whether the action is one routinely taken by DTNA in instances where a safety defect may exist; and*
- (c) Explain why the testing "concluded that it was possible for air pressure to build between the sensor and connector over time potentially causing the brake lights not to activate after several hard applications of the brake."*

Response to Request No. 9:

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information responsive to this Request in August 2019.] DTNA last gathered

Request No. 10:

Identify and describe the information DTNA had or had otherwise been provided in connection with its defect decision making in November 2017. Provide copies of all documents, including but not limited to presentations, executive summaries, summary findings, memoranda, agendas, or recommended actions, whether in final or draft, associated with or used in preparation for DTNA's November 2017 decision to recall the subject vehicles for the defect.

Response to Request No. 10:

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information responsive to this Request in August 2019.] DTNA last gathered

Request No. 11:

Provide a detailed summary of circumstances relating to the decision to recall the subject vehicles for the defect. Your response must include:

- (a) The date when DTNA first became aware of the subject defect;*
- (b) The date that the safety-related defect decision was made;*
- (c) Who made that decision;*
- (d) The date that DTNA first filed a Part 573 Report with NHTSA relating to the defect in the subject vehicles; and*
- (e) Specification of all items of information that were necessary for DTNA to determine the existence of the subject defect and to make its defect decision, and the date on which DTNA obtained each item.*

Response to Request No. 11:

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information responsive to this Request in August 2019.] DTNA last gathered

Request No. 12:

If you are contending that DTNA filed a Part 573 Report with NHTSA relating to the defect in the subject vehicles prior to November 27, 2017:

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- (a) *Produce a copy of all documents to support your contention, and*
- (b) *Produce a copy of all notices, bulletins, dealer notifications, and other communications that relate to the recall, including a copy of the final owner notification letter and any subsequent owner follow-up notification letter(s) (sent to more than one manufacturer, distributor, dealer, or purchaser/owner) provided to NHTSA's Recall Management Division, along with any documentation of NHTSA's receipt of such communications.*

Response to Request No. 12:

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] DTNA last gathered information responsive to this Request in August 2019.

Request No. 29:

Furnish a copy and state the date of issuance of any service, warranty, or technical document DTNA has prepared including, but not limited to bulletins, advisories, informational documents, training documents, or other communications, that was sent to any dealers, regional or zone offices, field offices, or service facilities related to the following:

- (a) *The subject defect in the recalled vehicles;*
- (b) *The subject defect in comparator vehicles; or*
- (c) *The installation, attachment, replacement, or performance of the stop light pressure switch in the either the recalled or comparator vehicles, identifying to which population the document applies.*

Response to Request No. 29:

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] DTNA last gathered
information responsive to this Request in August 2019.

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Please do not hesitate to contact us should you have any questions regarding this response.

Sincerely,



Andy Jones

cc: Daniel Rabinovitz, Office of the Chief Counsel, by email