

INFORMATION REDACTED PURSUANT TO THE FREEDOM OF INFORMATION ACT (FOIA), 5 U.S.C. 552(B)(6)  
VIA FEDERAL EXPRESS

October 17, 2018

Office of the Chief Counsel (NCC-111)  
National Highway Traffic Safety Administration  
West Building, W41-227  
1200 New Jersey Avenue, SE  
Washington, DC 20590

**Re: Response to NHTSA Audit Query AQ18-002 Request Nos. 30 – 46 Regarding the Scope and Timeliness of DTNA's Recall Nos. 17V-761, 17V-810, 18V-157, and 18V-163, and 18V-190**

Dear Mr. Morrison:

Daimler Trucks North America LLC ("DTNA") is submitting its response to the National Highway Traffic Safety Administration ("NHTSA" or "Agency") Office of Defects Investigation's Audit Query AQ18-002, relating to Recall Nos. 17V-761, 17V-810, 18V-157, 18V-163, and 18V-190 filed by DTNA.

Pursuant to consultations with NHTSA, responses to Request Nos. 1 – 4 were submitted on October 5, 2018. Responses to Request Nos. 30 – 46 are submitted in this response, and DTNA will submit responses to Request Nos. 5 – 29 in subsequent phases.<sup>1/</sup>

Request Nos. 30 – 46 relate to requirements under the Transportation Recall Enhancement, Accountability and Documentation ("TREAD") Act. DTNA is taking concerted action to review, assess and address issues in its TREAD reporting procedures. As the Agency is aware, DTNA initiated a comprehensive, independent audit of its TREAD process. The company is now working to implement the findings of the audit, which includes taking steps to augment its reporting process, evaluating resources and allocation of personnel as needed, and increasing its training. At the time of this response, many changes are in progress.

Request Nos. 30 – 46 of NHTSA's June 13, 2018 letter are repeated below, followed by the corresponding response.

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<sup>1/</sup> Request No. 29 appears to relate solely to recall 17V-761. Accordingly, DTNA will submit its response to Request No. 29 with its responses to the other questions directed at recall 17V-761.

**Service, Warranty, Technical Documents, and 49 C.F.R. Part 579 Reporting**

**Request No. 30:**

*Provide a corporate organizational chart(s) identifying the employees who are responsible for collecting and reporting information to NHTSA pursuant to 49 C.F.R. Part 579. Include the name, title, business address, business email, and business telephone number for each person(s), and state the person's role in collecting and reporting information to NHTSA pursuant to 49 C.F.R. Part 579.*

**Response to Request No. 30:**

The employees responsible for collecting and reporting information to NHTSA pursuant to 49 C.F.R. Part 579 are located in the Product Compliance & Regulatory Affairs (CRA) group. Their names, titles, business addresses, business emails, business telephone numbers, and roles are listed below.

[

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The requested organizational chart is provided in Attachment 6, Organizational Chart.

[

2018. ] DTNA last gathered information responsive to this request in October

**Request No. 31:**

*Describe DTNA's policy or procedure for collecting, tracking, and submitting notices, bulletins, and other communications described in 49 C.F.R. § 579.5 that DTNA sent to more than one manufacturer, distributor, dealer, lessor, lessee, owner, or purchaser, in the United States, for the past five years. Include in your answer the steps DTNA undertakes to comply with the submission deadline in 49 C.F.R. § 579.5. Your answer should explain any changes in that policy or procedure and include a copy of all documents describing the policy or procedure.*

**Response to Request No. 31:**

[

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The written procedures described above, specifically the procedures in place until 2018 and the current version, are provided as Attachment 7, Field Communications Procedures.

[

] DTNA last gathered information responsive to this request in October 2018.

**Request No. 32:**

*Describe in detail DTNA's process for determining whether notices, bulletins, and other communications sent to more than one manufacturer, distributor, dealer, lessor, lessee, owner, or purchaser, in the United States need to be reported to NHTSA pursuant to 49 C.F.R. § 579.5. State whether DTNA has made any changes to that process during the prior five years and, if yes, describe the changes.*

**Response to Request No. 32:**

[

2018. ] DTNA last gathered information responsive to this request in October

**Request No. 33:**

*Describe in detail any changes DTNA anticipates making to its process for collecting notices, bulletins, and other communications described in 49 C.F.R. § 579.5 that DTNA sent to more than one manufacturer, distributor, dealer, lessor, lessee, owner, or purchaser, in the United States and providing these communications to NHTSA. Your response should include an anticipated timeline for implementing any changes.*

**Response to Request No. 33:**

[

] DTNA last gathered information responsive to this request in October 2018.

**Request No. 34:**

*For a period of five years prior to the date of this letter, provide a copy of all notices, bulletins, and other communications as specified by 49 C.F.R. § 579.5 that DTNA has not previously provided to NHTSA. To the extent not indicated on the document, provide the date that each notice, bulletin, or other communication responsive to this request was issued. Explain why each notice, bulletin, or other communication responsive to this request was not previously submitted.*

**Response to Request No. 34:**

[

] DTNA last gathered information responsive to this request in October 2018.

The requested documents are provided as Attachment 8, Field Communications.

**Request No. 35:**

*Provide a detailed explanation about DTNA's technical service notes, including:*

- (a) The purpose of technical service notes, including how that purpose differs from a technical service bulletins;*
- (b) What information technical service notes contain;*

- (c) Who has access to technical service notes;*
- (d) Who sends technical service notes;*
- (e) To whom technical service notes are sent;*
- (f) Whether DTNA is aware of technical services notes distributed beyond the designated recipients, and if so, why that occurred;*
- (g) How technical service notes are distributed;*
- (h) How the information contained in technical service notes is distributed outside DTNA, if at all;*
- (i) To whom the information contained in technical service notes is distributed outside DTNA, if at all;*
- (j) How DTNA determines whether to submit any of the technical service notes to NHTSA pursuant to 49 C.F.R. § 579.5; and*
- (k) If it is DTNA's position that technical service notes are not required to be reported under 49 C.F.R. § 579.5, explain your position.*

**Response to Request No. 35:**

[





2018. ] DTNA last gathered information responsive to this request in October

**Request No. 36:**

*Does DTNA restrict its employees from sending technical service notes outside DTNA? If yes, describe the restriction, the purpose of the restriction, and provide a copy of any documents relating to the restriction.*

**Response to Request No. 36:**

[

2018. ] DTNA last gathered information responsive to this request in October

**Request No. 37:**

*Does DTNA encourage its employees to share information in technical service notes outside DTNA orally rather than by providing a copy of the technical service notes? If so, explain why.*

**Response to Request No. 37:**

[

2018. ] DTNA last gathered information responsive to this request in October

**Request No. 38:**

*Provide copies of all your technical service notes from the past 5 years. For each technical service note:*

- (a) To the extent not indicated on the document, provide the date that the technical service note was issued.*
- (b) State whether DTNA previously provided a copy of the technical service note to NHTSA (and if yes, on what date); and*
- (c) Provide the list of the names and addresses of each manufacturer, distributor, dealer, lessor, lessee, owner, or purchaser, in the United States, to which DTNA sent the technical service note.*

**Response to Request No. 38:**

[

] DTNA last gathered information responsive to this request in October 2018; however, TSNs were gathered in December 2017.

The requested documents are provided as Attachment 9, Technical Service Notes.

**Request No. 39:**

*Describe DTNA's policy or procedure for collecting, tracking, and submitting property damage claims, consumer complaints, warranty claims, and field reports involving systems and components specified in 49 C.F.R. § 579.22 for the past five years. Include in your answer the steps DTNA undertakes to comply with the submission deadlines in 49 C.F.R. § 579.28. Your answer should explain any changes in that policy or procedure and include a copy of all documents describing the policy or procedure.*

**Response to Request No. 39:**

[

] DTNA last gathered information responsive to this request in October 2018.

**Request No. 40:**

*Describe in detail DTNA's process for determining whether property damage claims, consumer complaints, warranty claims, and field reports involving systems and components specified in 49 C.F.R. § 579.22 need to be reported to NHTSA pursuant to 49 C.F.R. Part 579. State whether DTNA has made any changes to that process during the prior five years and, if yes, describe the changes.*

**Response to Request No. 40:**

[

] DTNA last gathered information responsive to this request in October 2018.

**Request No. 41:**

*Describe in detail any changes DTNA anticipates making to its process for determining whether property damage claims, consumer complaints, warranty claims, and field reports specified in 49 C.F.R. § 579.22 needs to be reported to NHTSA pursuant to 49 C.F.R. Part 579. Your response should include an anticipated timeline for implementing any such changes.*

**Response to Request No. 41:**

[

] DTNA last gathered information responsive to this request in October 2018.

**Request No. 42:**

*For each reporting period, established in 49 C.F.R. Part 579, from November 1, 2012 through the present date, provide a copy of property damage claims, consumer complaints, warranty claims, and field reports required under 49 C.F.R. § 579.22 that DTNA has not previously provided to NHTSA. To the extent not indicated on the document, provide the date that each document response to this request was issued. Explain why each document responsive to this request was not previously submitted.*

**Response to Request No. 42:**

[

] DTNA last

gathered information responsive to this request in October 2018.

**Request No. 43:**

*NHTSA is aware that DTNA sent Service Bulletins SB 54-293 and SB 46-55 from November of 2015 to owners as an owner notification campaign. Explain why DTNA used an owner notification campaign in this situation. Include in your answer an explanation of why DTNA did not submit this owner notification campaign to NHTSA under 49 C.F.R. § 579.5.*

**Response to Request No. 43:**

[

] DTNA last gathered information responsive to this request in October 2018.

**Request No. 44:**

*In addition to the situation described in Request No. 14, explain if there is any other time DTNA would use an owner notification campaign for any reason outside of the defect and noncompliance notification required by 49 C.F.R. Part 577. Include in your answer:*

- (a) Why DTNA would use an owner notification campaign;*
- (b) Who would receive the campaign letters;*
- (c) Whether you would notify NHTSA of the campaign;*

- (d) How DTNA would determine whether to submit any of the campaign letters to NHTSA;
- (e) What information you would include in the campaign;
- (f) How campaign letters would be distributed; and
- (g) Copies of any owner notification campaign letters responsive to this request. To the extent not indicated on the document, provide the date that each owner notification campaign responsive to this request was issued. If any document responsive to this request was not previously submitted to NHTSA, explain why.

**Response to Request No. 44:**

[

] DTNA last gathered information responsive to this request in October 2018.

**Request No. 45:**

Describe in detail the training, if any, that employees involved in reporting receive regarding 49 C.F.R. Part 579. Provide a copy of any written training or guidance materials regarding 49 C.F.R. Part 579 used by employees involved in reporting.

\* \* \* \*

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

Sincerely,



Andy Jones

cc: Otto Matheke, Office of the Chief Counsel