

Daimler Truck North America LLC
Tiffani Torgeson
Manager
Compliance and Regulatory Affairs
4747 N. Channel Ave
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PUBLIC VERSION

October 7, 2022

VIA ELECTRONIC SUBMISSION ONLY

Mr. Josh Neff
Chief, Medium & Heavy Duty Vehicle Defect Division
National Highway Traffic Safety Administration (NHTSA)
Office of Defects Investigation
1200 New Jersey Avenue, S.E.
Washington, DC 20590

Subject: Response to NHTSA Information Request in PE20-006

Dear Mr. Neff:

Enclosed is Daimler Truck North America LLC's ("DTNA") response to the National Highway Traffic Safety Administration's ("NHTSA") Office of Defects Investigation ("ODI") August 5, 2022 Information Request (sometimes referred to below as "IR") in connection with the agency's Preliminary Evaluation ("PE") (PE20-006).

I. General Responses

A. DTNA discussed the issue of this PE with NHTSA's ODI orally and via e-mail in October 2015, March 2016 and multiple times later in 2016, April 2017 and multiple times later in 2017, and then in 2018. At that time, in 2018, the agency informed DTNA that it would not further pursue the matter given, among other things, the passage of time and perceived safety consequences (if any). On August 5, 2022, NHTSA sent DTNA an IR via e-mail. The IR set forth a due date of Friday, September 16, 2022. On August 12, 2022, DTNA timely submitted a request for an extension of time to respond to the IR, in its entirety, on or before Friday, October 7, 2022. On August 17, 2022, NHTSA granted DTNA's request. Accordingly, DTNA now timely submits its response to the agency's IR. That said, DTNA does not believe (then or now) that the issue presents an unreasonable risk to safety, and DTNA long ago undertook projects to lessen the frequency with which steering assist decreases. And with respect, the significant passage of time without safety considerations arising only underscores that position.

B. DTNA's response to this IR was based on good faith searches of locations where responsive documents kept in the ordinary course of business would normally be found, and in consultation with current personnel knowledgeable about the information requested.

C. Consistent with its General Objections set forth below, DTNA has made a good faith effort to collect the information necessary to respond to the IR, and reserves the right to amend and/or supplement this response, as appropriate.

D. Without waiving any objections set forth below, DTNA's responses reflect information for all "Subject vehicle(s)" equipped with the "Subject component(s)" with the "Alleged defect," as those definitions appear in the Information Request.

E. DTNA reserves the right to recapture privileged or otherwise protected or exempted documents that may have been inadvertently produced in response to this IR under applicable law. Any inadvertent production of privileged material is not, and should not be interpreted as, a waiver of any applicable privilege.

F. The information provided in this response is current as of August 20, 2022, and reflects DTNA's best, good faith understanding of applicable information and data as of that date.

II. General Objections

The General Objections set forth below are hereby incorporated by reference into each and every one of DTNA's responses to the IR. These General Objections apply to today's response, and any subsequent supplementation. These General Objections are also deemed as continuing as to each subpart of the IR question, and are not waived, nor in any way limited, by the specific responses to a subpart. No failure to specifically incorporate General Objections shall be construed as a waiver. Moreover, any applicable, good faith objection not raised in this section shall not be interpreted as a waiver.

A. DTNA respectfully objects to the definition of “document(s)” set forth in the IR because it is unreasonably broad and ambiguous in the context of the information sought by this IR.

B. DTNA respectfully objects to the definition of “Alleged defect” to the extent it is inconsistent with, and/or different from, NHTSA’s May 1, 2020 Opening Resume for PE20-006. The IR definition of “Alleged defect” states: “Loss of power steering assist.” NHTSA’s Opening Resume states at the “Problem Description: “Excessive high temperatures of the power steering fluid affect the fluid viscosity, seals, and bearings in the steering gear resulting in pressure fluctuations that contribute to loss of power steering assist.”

C. DTNA respectfully objects to the definition of “Subject vehicles” to the extent that it encompasses vehicles not manufactured by DTNA for sale or lease in the United States.

D. DTNA respectfully objects to the definition of “Subject component” to the extent that it is broader than the scope to which NHTSA and DTNA during DTNA’s meeting with the agency on August 16, 2022. The IR defines “subject component” as “all new and re-manufactured ZF Group/TRW steering gear THP60 identical or substantially similar to those installed on the subject vehicles.” DTNA and NHTSA agreed on August 16, 2022 to interpret “subject component” to only include THP60 steering gear installed on the subject vehicles – *i.e.*, all makes and models of final stage vehicles from MY 2012 – 2020 manufactured by DTNA for sale or lease in the United States. Accordingly, DTNA’s responses herein are all consistent with the definition of “Subject component” as agreed to between NHTSA and DTNA during the August 16, 2022 meeting.

E. DTNA respectfully objects to the definition of “DTNA” because it is unreasonably broad, vague, and ambiguous in the context of the information sought by this IR. Without waiving said objection, DTNA will respond to NHTSA’s requests using reasonable, good faith searches of responsive business records kept in the ordinary course of business at appropriate business locations.

F. DTNA reserves the right to interpose additional good faith objections, as appropriate.

III. Request for Confidential Treatment & Freedom of Information Act Protections

Pursuant to 49 C.F.R. Part 512, DTNA is submitting a request for confidential treatment of confidential business information in conjunction with its response to NHTSA’s IR. Material that appears in brackets is confidential business information.

Additionally, DTNA believes NHTSA’s policy is to protect the privacy of individuals under Exemption 6 of the Freedom of Information Act, 5 U.S.C. 552(b)(6), and applicable law and guidance thereunder. To the extent information is provided to NHTSA that contains the name, address, and other personal information of owners or other individuals, including DTNA personnel, or otherwise, DTNA respectfully requests that NHTSA not make public any such private information.

2. State the number of each of the following, received by DTNA, or of which DTNA is otherwise aware, which relate to, or may relate to, the alleged defect in the subject vehicles:

- 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 DTNA is or was a party to the arbitration; and
- g) Lawsuits, both pending and closed, in which DTNA 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 DTNA’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.

Response to Request 2

CONTAINS CONFIDENTIAL BUSINESS INFORMATION

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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:
- DTNA's file number or other identifier used;
 - The category of the item, as identified in Request No. 2 (i.e., consumer complaint, field report, etc.);
 - Vehicle owner or fleet name (and fleet contact person), street address, email address and telephone number;
 - OEM or aftermarket sales location which initially received the steering gear from ZF Group/TRW;
 - Subject component's serial number;
 - Subject component's make, model and production date;
 - Subject component's mileage at time of incident if known;
 - Subject component's time in service at time of incident;
 - Incident date;
 - Report or claim date;
 - Whether a crash is alleged;
 - Whether a fire is alleged;
 - Whether property damage is alleged;
 - Number of alleged injuries, if any; and
 - Number of alleged fatalities, if any.

Response to Request 3

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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., consumer complaints, field reports, etc.) and describe the method DTNA used for organizing the documents. Describe in detail the search methods and search criteria used by DTNA to identify the items in response to Request No. 2.**

Response to Request 4

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5. State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by DTNA 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. DTNA's claim number;
- b. Vehicle owner or fleet name (and fleet contact person), street address, email address and telephone number;
- c. Serial number;
- d. Repair date;
- e. Vehicle mileage at time of repair;
- f. Vehicle's Time in Service at time of repair;
- g. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
- h. Labor operation number(s);
- i. Problem code(s);
- j. Diagnostic Trouble Code (s);
- k. Replacement part number(s) and description(s);

- l. Concern stated by customer;**
m. Cause as stated on the repair order;
n. Correction as stated on the repair order; and
o. 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.” A pre-formatted data collection file, which provides further details regarding this submission, will be provided to you.

Response to Request 5

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6. Describe in detail the search methods and search criteria used by DTNA to identify the claims in response to Request No. 5, including the labor operations, problem codes, diagnostic trouble codes, part numbers and any other pertinent parameters used.

Provide a list of all labor operations, labor operation descriptions, problem codes, problem code descriptions, diagnostic trouble codes and diagnostic trouble code descriptions applicable to the alleged defect in the subject vehicles. State whether the diagnostic trouble codes are automatically reported to the warranty database

electronically or manually entered into the warranty database by a claims administrator.

State, by make and model year, the terms of the new vehicle warranty coverage offered by DTNA on the subject vehicles (i.e., the number of months and mileage for which coverage is provided and the vehicle systems that are covered). Describe any extended warranty coverage option(s) that DTNA 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.

Response to Request 6:

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7. **Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject vehicles, that DTNA has issued to any dealers, regional or zone offices, field offices, fleet purchasers, or other 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 DTNA is planning to issue within the next 120 days.**

Response to Request 7

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8. 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, DTNA. 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 brief 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.

Response to Request 8

CONTAINS CONFIDENTIAL BUSINESS INFORMATION

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9. Describe all modifications or changes made by, or on behalf of, DTNA in the design, material composition, manufacture, quality control, supply, or installation of the subject component, from the start of production to date, which relate to, or may relate to, the alleged defect in the subject vehicles. 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; and
- h. Whether the modified component can be interchanged with earlier production components.

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

Response to Request 9

CONTAINS CONFIDENTIAL BUSINESS INFORMATION

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10. Produce one/two of each of the following:

- a. Exemplar sample of each design version of the subject component;**
- b. Field return sample of the subject component exhibiting the subject failure mode;
and**
- c. Any kits that have been released, or developed, by DTNA for use in service repairs to the subject component/assembly which relate, or may relate, to the alleged defect in the subject vehicles**

CONTAINS CONFIDENTIAL BUSINESS INFORMATION

Response to Request 10.a.

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Response to Request 10.b.

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Response to Request 10.c. (As stated in Response to Q7.)

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11. State the number of each of the following that DTNA has sold that may be used in the subject vehicles by component name, part number (both service and engineering/production), model and model year of the vehicle in which it is used and month/year of sale (including the cut-off date for sales, if applicable):

- a. Subject components; and**
- b. Any kits that have been released, or developed, by DTNA for use in service repairs to the subject component/assembly.**

Response to Request 11

CONTAINS CONFIDENTIAL BUSINESS INFORMATION

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12. For each component part number, provide the supplier's name, address, and appropriate point of contact (name, title, and telephone number). Also, identify by make, model and model year, any other vehicles of which DTNA is aware that contain the identical component, whether installed in production or in service, and state the applicable dates of production or service usage. Furnish DTNA's assessment of the alleged defect in the subject component, 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, 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 malfunction.

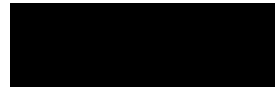
Response to Request 12

CONTAINS CONFIDENTIAL BUSINESS INFORMATION

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Sincerely,



Tiffani Torgeson
Manager,
Compliance and Regulatory Affairs
Daimler Truck North America LLC

Attachments:

- Certificate of Corporate Responsibility Required by 49 U.S.C. 30166(o)
- Other attachments as stated

Certificate of Corporate Responsibility for Reports

I, Tiffani Torgeson, pursuant to 49 U.S.C. 30166(o), state as follows:

1. I am the Manager of Compliance and Regulatory Affairs in Daimler Truck North America LC (“DTNA”), and I am authorized by DTNA to execute this certificate on its behalf.
2. I have reviewed the foregoing submission and, based on my knowledge, the submission does not contain any untrue statement of a material fact; or omit to state a material fact necessary in order to make the statements made not misleading, in light of the circumstances under which such statements were made.
3. I directed a good faith inquiry be conducted that would be reasonably calculated to assure that DTNA’s responses are complete and correct, and that documents within the possession, custody and control of DTNA be searched diligently for information responsive to the Information Request to be produced to NHTSA.
4. Based on information provided to me, inquiry has been made of the persons and offices reasonably calculated to have responsive information and documents, and the answers to the Information Request are correct based upon DTNA’s investigation to date.
5. DTNA’s review is ongoing, and DTNA reserves the right to supplement or clarify these responses if appropriate to do so.
6. I certify under penalty of perjury that the foregoing is true and correct.

Executed this 7th day of October 2022



Tiffani Torgeson
Manager, Compliance and Regulatory Affairs
Daimler Truck North America LLC
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Portland, OR 97217