



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

1200 New Jersey Avenue SE.
Washington, DC 20590

SEP - 8 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Nasser Zamani
Freightliner Incorporated
4747 N. Channel Avenue
Portland, OR 97217

NVS-214bby
PE09-040

Dear Mr. Zamani:

As you are aware, on August 31, 2009, the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) opened a Preliminary Evaluation (PE09-040) to investigate failing rack and pinion assemblies in 2008 and 2009 Model Year (MY) Freightliner Columbia, Century, and Cascadia model vehicles. ODI was concerned that the failed rack and pinion assemblies could lead to steering system failures and difficulty controlling the vehicle, possibly resulting in a crash.

This PE was opened based on a consumer complaint and a number of field reports describing rack and pinion assembly failures in 2008 and 2009 Columbia and Cascadia vehicles. Two of the field reports describe crashes allegedly resulting from the failed rack and pinions assemblies.

On September 4, 2009, we were alerted that your office had processed a safety defect report (Freightliner # FL-557) and a copy was submitted to our office. As a result, we are shortening our information request to six questions.

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

- **Subject Vehicles:** All MY 2008 through 2009 Freightliner Century, Cascadia, and Columbia model vehicles.



- **Subject Component**: All rack and pinion assemblies installed on the subject vehicles.
- **Freightliner**: Freightliner, all of its past and present officers and employees, whether assigned to its principal offices or any of its field or other locations, including all of its 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 Freightliner (including all business units and persons previously referred to), who are or, in or after 1996, 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) of subject components;
 - b. Testing, assessment or evaluation of subject components;
 - 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.
- **Alleged defect**: Any failure of the subject component on a subject vehicle that adversely affects steering and compromises or potentially compromises control of the vehicle.
- **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 Freightliner, 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 manufacturer 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.

To assist my staff in fully understanding the alleged defect and corrective action taken by Freightliner, additional information is necessary. Please provide numbered responses to the following information requests. 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 Freightliners response to each request, identify the source of the information and indicate the last date the information was gathered. If requested information is unavailable, so state and provide a brief explanation. Along with your written response, please provide this information in Microsoft Word 2000, or a compatible format, entitled "IR Response."

1. State, by model and model year, the number of subject vehicles Freightliner has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date state the following:
 - a. Vehicle Identification Number;
 - b. Model;
 - c. Model Year;
 - d. Date of manufacture;
 - e. Date warranty coverage commenced;
 - f. If the subject component is installed (Y/N if Yes, provide Part Number); and
 - g. The State in the United States where the vehicle containing the subject engine was originally sold or leased (or delivered for sale or lease).

Provide the table in Microsoft Access 2000, or a compatible format, entitled "PRODUCTION DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table designed for this submission.

2. State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by Freightliner to date where the subject component was replaced or repaired on 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. Separately, for each such claim, state the following information:
 - a. Freightliners claim number;
 - b. Vehicle owner or fleet name (and fleet contact person) and telephone number;
 - c. VIN;
 - d. Vehicle's make, model, and model year;
 - e. Repair date;
 - f. Vehicle mileage at time of repair;
 - g. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
 - h. Labor operation number;
 - i. Problem code;
 - j. Causal part (if identified);
 - k. Replacement part number(s) and description(s);
 - l. Repair procedure performed;
 - m. Concern stated by customer; and
 - n. Comments, by dealer/technician relating to claim and/or repair;

Provide this information in Microsoft Access 2000, or a compatible format, entitled "WARRANTY DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table designed for this submission.

3. Describe in detail the search criteria used by Freightliner to identify the claims identified in response to Request No. 2, 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, by make and model year, the terms of the new vehicle warranty coverage offered by Freightliner 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) related to the alleged defect that Freightliner 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.
4. 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 or any of the subject components installed in the subject vehicles

that have been conducted, are being conducted, are planned, or are being planned by, or for, Freightliner 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 electronic 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.

5. Identify by model, and model year all other vehicles manufactured by Freightliner that contain a rack and pinion assembly similar in design to the one used on subject vehicles.
6. Furnish Freightliners assessment of the alleged defect in the subject vehicles, including:
 - a. An assessment of the failure mechanism including all causal or contributory factors;
 - b. An assessment of the design factors of the subject component that may influence the durability of the subject component;
 - c. An assessment of the manufacturing factors that may influence the durability of the subject component;
 - d. An assessment of the vehicle assembly factors that may influence the durability of the subject component;
 - e. An assessment of the use factors of the subject component that may influence the durability of the subject component.
 - f. Please be as specific as possible in your answers and provide engineering explanations for how various factors affect the steering column durability.
 - g. Any warning symptoms; and
 - h. The root cause of the failures;

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

Freightliners response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by October 23, 2009. **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 PE09-040 in Freightliners response to this letter and in any confidentiality request submitted to the Office of Chief Counsel. If Freightliners finds that it is unable to provide all of the information requested within the time allotted, Freightliners must request an extension from Mr. Richard Boyd, at (202) 366-4933 no later than five business days before the response due date. If Freightliner 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 Freightliner then has available, even if an extension has been granted.

If Freightliner 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, Freightliner 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-113), National Highway Traffic Safety Administration, Room W41-227, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590. Freightliner 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 word "CONFIDENTIAL BUSINESS INFORMATION" must appear at the top of each page containing information claimed to be confidential, and the information must be clearly identified in accordance with 5 U.S.C. § 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 (49 CFR 512.(c)). See Federal Register, volume 72, page 59434 (October 19, 2007).

Please send email notification to Bruce York (bruce.york@dot.gov) and to ODI_IRresponse@dot.gov when Freightliner sends it's response to this office and indicate whether there is confidential information as part of Freightliner's response.

If you have any technical questions concerning this matter, please call Bruce York of my staff, at (202) 366-6938.

Sincerely,



Richard P. Boyd, Chief
Medium and Heavy Duty Vehicle Division
Office of Defects Investigation

Enclosure 1, one CD ROM titled Data Collection Disc containing two files