



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

1200 New Jersey Avenue SE  
Washington, DC 20590

JAN - 8 2010

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Timothy LaFon  
Manager of Regulation Affairs  
Mack Trucks, Inc.  
7900 National Service Road  
Greensboro, NC 27409

NVS-214gtb  
EA09-009

Dear Mr. LaFon:

On June 18, 2009, the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) opened an Engineering Analysis (EA09-009) at Mack Trucks, Inc. to investigate the potential for certain air brake system control valves ("relay valves") manufactured by Haldex Manufacturing Company ("Haldex") and marketed and distributed by Meritor WABCO Vehicle Control Systems ("Meritor WABCO") to malfunction.

Investigation EA09-009 was preceded by investigations PE09-010 and PE08-058.

ODI last requested Mack to provide a list of pertinent owner complaints on November 7, 2008, under PE08-058 and Mack provided the requested information to ODI on December 23, 2008.

During the course of EA09-009, ODI has participated in several site visits and technical reviews with representatives from Mack, Meritor WABCO, Haldex, and other affected manufacturers.

On December 17, 2009, representatives of Mack, Meritor WABCO, and Haldex provided ODI with a summary the investigation findings-to-date.



Information Requested -

Since the most recent complaint information is now approximately one year old, ODI is concerned about obtaining an updated list of recent complaints from Mack Trucks, Inc. for the purpose of clearly documenting the current complaint activity level for this issue.

Note that this request addresses only those reports that Mack has received since November 19, 2008, the date on which Mack last compiled this information (which was forwarded to ODI on December 23, 2008) when requested in PE08-058.

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

- Subject Component(s): All air brake system control valves including, but not limited to “relay valves,” purchased by Mack Trucks, Inc., since January 1, 2005, to the present regardless of the manufacturer / supplier source.
- Subject Vehicle(s): All vehicles equipped with one or more of the “subject component(s).”
- Alleged Defect: Any reported or alleged degradation in vehicle braking performance including, but not limited to, complete or partial loss of braking effectiveness or function, whether or not verified, and regardless of the suspected causal or contributing factors that Mack determines may be reasonably associated with a malfunction of the “Subject Component(s).”
- Mack Trucks, Inc. (“Mack”): All of its past and present business units and 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 to a consultant) by or under the control of Mack, who are or, in or after 2005 were involved in any way with any of the following related to the alleged defect in the subject vehicles:

Design, engineering, analysis, modification or production (e.g. quality control);

- a. Testing, assessment or evaluation;
  - b. 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;
  - c. 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; or
  - d. Any litigation involving Mack products.
- **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 Mack, 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.

Pursuant to 49 U.S.C. § 30166, 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 Mack’s response to each request, identify the source of the information and indicate the last date the information was gathered.

To the extent possible, provide the requested information in Microsoft Access 2003 or Excel 2003 electronic format.

Warranty, Field Reports, Complaint Information –

- (1) Provide the following information for each warranty claim, field report, complaint, and the like that claims, alleges, or may reasonably be construed to indicate:

(A) diminished vehicle brake performance (e.g. increased stopping distance) that Mack has reasonably associated with “the alleged defect in the subject components”; and/or

(B) other observation(s) or evidence indicating the presence of the “the alleged defect in the subject components,” whether or not confirmed, received by Mack or of which Mack is otherwise aware:

- The type of report (warranty claim, complaint, field report, etc.);
- Mack’s file number or other identifier used;
- The complete 17 digit VIN;
- The vehicle owner or fleet owner’s name;
- The vehicle owner or fleet owner’s address;
- The vehicle owner or fleet owner’s phone number;
- The incident date;
- The incident location;
- The report or claim date;
- The vehicle mileage at the time of the incident (or “hours of service” if time-in-service is recorded in hours);

- (k) The make of the incident vehicle;
- (l) The model of the incident vehicle;
- (m) The model year of the incident vehicle;
- (n) The vehicle vocation;
- (o) Whether a crash is alleged;
- (p) Whether property damage is alleged;
- (q) The number of alleged injuries, if any;
- (r) The number of alleged fatalities, if any.

Provide the table in Microsoft Access or Excel 2003, or a compatible format, entitled "EA09-009, Request Number One – Incident Information Summary."

- (2) (a) Describe in detail the search criteria used by Mack to identify the claims identified in response to Request No. 1, 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.
  - (b) Describe any extended warranty coverage option(s) related to the alleged defect that Mack 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.
  - (c) State whether denied warranty claims have been included in the response to Request No. 1. If Mack did not include denied warranty claims in Response to Request No. 1, provide the warranty request information listed in Request No. 1 for each denied warranty claim.
  - (d) Describe the procedure/practice that Mack follows with respect to processing warranty, customer complaints, etc. for the "subject component(s)." i.e., whether all claims/complaints are routinely directed to Mack who then forwards them to the affected supplier; whether Mack directs owners to file claims/complaints directly to the affected supplier (and therefore Mack may have only partial information regarding of the pertinent complaint experience); etc.
- (3) Identify all actions that Mack has taken to mitigate the risk of the "subject component" exhibiting the "alleged defect" including, but not limited to:
  - (a) Changes / upgrades to the "subject components" and the date that the changes / upgrades were, or are planned to be, incorporated into production vehicles;
  - (b) Changes / upgrades to other components of the brake system including, but not limited to, the air dryer and the date that the changes / upgrades were, or are planned to be, incorporated into production vehicles;

(c) Service advisories, publications educational materials, warnings, etc. and the date that each document was, or is planned to be, issued.

This letter is being sent to Mack 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. Mack's failure to respond promptly and fully to this letter could subject Mack 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.) Please note that maximum civil penalties under 49 U.S.C. § 30165 have increased as a result of the recent enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, Public Law No. 106-414 (signed November 1, 2000). Section 5(a) of the TREAD Act, codified at 49 U.S.C. § 30165(b), provides for civil penalties of up to \$5,000 per day, with a maximum of \$16,050,000 for a related series of violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. See 49 CFR 578.6 (as amended by 69 Fed. Reg. 57864 (Sep 28, 2004)). This includes failing to respond to ODI information requests.

If Mack 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, Mack does not submit one or more requested documents or items of information in response to this information request, Mack 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. Mack's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office **February 16, 2010**.

Please refer to **EA09-009** in Mack's response to this letter. If Mack finds that it is unable to provide all of the information requested within the time allotted, Mack must request an extension from me at (202) 366-4933 no later than five business days before the response due date. If Mack 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 Mack then has available, even if an extension has been granted.

If Mack 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, Mack must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512, to the Office of Chief Counsel (NCC-110), National Highway Traffic Safety Administration, **Room W41-227, 1200 New Jersey Avenue SE, Washington, D.C. 20590**. Mack 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.

If you have any technical questions concerning this matter, please call Mr. Tom Bowman of my staff, at (202) 366-2583.

Sincerely,

A handwritten signature in cursive script that reads "Richard Boyd".

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