

BMW Group

September 16, 2011

Frank Borris
Director, Office of Defects Investigation
National Highway Traffic Safety Administration
1200 New Jersey Ave., S.E.
Washington, DC 20590

OFFICE OF DEFECTS &
INVESTIGATIONS
2011 SEP 19 P 4: 47

Re: EA09-019

Dear Mr. Borris:

With this letter, BMW is responding to NHTSA's Information Request dated July 14, 2011 in the above captioned matter. As agreed with the agency, BMW would be responding to the Information Request by September 16th.

As requested, BMW has repeated each question verbatim and provided our response accordingly.

Should you have any questions pertaining to the information enclosed with this letter, please contact me at (201) 571-5360, or Martin Rapaport of my staff at (201) 571-5208.

Sincerely,



Jan Urbahn
General Manager
Safety Engineering & Intelligent Transportation Systems

Company
BMW of North America, LLC

BMW Group Company

Mailing address
PO Box 1227
Westwood, NJ
07675-1227

Office address
300 Chestnut Ridge Road
Woodcliff Lake, NJ
07677-7731

Telephone
(201) 307-4000

Fax
(201) 571-5479

Website
bmwusa.com

Attachment

Cc:

S. Yon, NHTSA, Office of Defects Investigation (Letter only)



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1. **State, by model and model year, the number of subject vehicles and Group II vehicles BMW has manufactured for sale or lease in the United States. Separately, for each subject vehicle and Group II vehicle manufactured to date by BMW, state the following:**
 - a. **Vehicle identification number (VIN);**
 - b. **Date of manufacture;**
 - c. **Date warranty coverage commenced; and**
 - d. **The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease).**

Provide the table in Microsoft Access 2007, or a compatible format, entitled "PRODUCTION DATA."

Response:

BMW was advised by NHTSA's Office of Defects Investigation that in responding to this question, it would only need to provide information pertaining to the number of subject vehicles by Model Year.

The source of this information is our vehicle production database and is current as of 30 June 2011.

The number of subject vehicles BMW has manufactured for sale or lease in the United States by Model Year is contained in Table 1.

Model Year	US Production
2002	66,926
2003	76,225
2004	59,454
2005	38,276

Table 1.

2. **State the number of each of the following received by BMW or of which BMW is otherwise aware that 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, based on claims against the manufacturer involving a death or injury, notices received by the manufacturer alleging or proving that a death or injury was caused by a possible defect in a subject vehicle, property damage claims, consumer complaints, or field reports;**
 - d. **Reports involving a fire;**
 - e. **Property damage claims;**
 - f. **Third-party arbitration proceedings where BMW is or was a party to the arbitration; and**
 - g. **Lawsuits, both pending and closed, in which BMW is or was a defendant or codefendant.**

For subparts "a" through "e" 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

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a crash occurred are to be counted as a crash report, a field report and a consumer complaint).

In addition, for items "c" through "e," provide a summary description of the alleged problem and causal and contributing factors and BMW'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:

BMW was advised by NHTSA's Office of Defects Investigation that in responding to this question, it would only need to provide the number of vehicles by category.

The source of this information is our customer contact database, field report databases, and legal databases, and is current as of 30 June 2011.

The number of reports, if any, by category, is contained in Table 2. Table 2 also includes the number of reports, if any, in which an allegation, of the type noted in 2(c) and 2(d), is contained within the specific report in that category.

Category	Number	Number Including Allegation of Crash	Number Including Allegation of Injury	Number Including Allegation of Fatality	Number Including Allegation of Fire
Consumer Complaints	120	0	0	0	0
Field Reports	0	0	0	0	0
Dealer Field Reports	0	0	0	0	0
Property Damage Claims	0	0	0	0	0
Third-Party Arbitration Proceedings	0	0	0	0	0
Lawsuits	0	0	0	0	0

Table 2.

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:
 - a. BMW's file number or other identifier used;
 - b. The category of the item, as identified in Request No. 2 (i.e., consumer complaint, field report, etc.);
 - c. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
 - d. Vehicle's VIN;
 - e. Vehicle's make, model and model year;
 - f. Vehicle's body style;
 - g. Vehicle's mileage at time of incident;
 - h. Incident date;
 - i. Report or claim date;
 - j. Whether a crash is alleged;

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- k. Whether a fire is alleged;**
- l. Whether property damage is alleged;**
- m. Number of alleged injuries, if any; and**
- n. Number of alleged fatalities, if any.**

Provide this information in Microsoft Access 2007, or a compatible format, entitled "REQUEST NUMBER TWO DATA."

Response:

BMW was advised by NHTSA's Office of Defects Investigation that a response to this question is not necessary in light of the fact that BMW is conducting a safety recall.

- 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 BMW used for organizing the documents.**

Response:

BMW was advised by NHTSA's Office of Defects Investigation that in responding to this question, copies of documents for Questions 2(a) and 2(b) are not necessary; however, copies of documents for Questions 2(c) through 2(g) are requested.

The source of this information is our customer contact database, field report databases, and legal databases, and is current as of 30 June 2011.

As noted in response to Question 2, there are no reports or legal matters pertaining to Questions 2(c) through 2(g). Therefore, BMW does not have any documentation.

- 5. State the number of each of the following received by BMW or of which BMW is otherwise aware that relate to, or may relate to, the alleged defect in the Group II vehicles:**
 - a. Consumer complaints, including those from fleet operators;**
 - b. Field reports, including dealer field reports;**
 - c. Reports involving a crash, injury, or fatality, based on claims against the manufacturer involving a death or injury, notices received by the manufacturer alleging or proving that a death or injury was caused by a possible defect in a Group II vehicle, property damage claims, consumer complaints, or field reports;**
 - d. Reports involving a fire;**
 - e. Property damage claims;**
 - f. Third-party arbitration proceedings where BMW is or was a party to the arbitration; and**
 - g. Lawsuits, both pending and closed, in which BMW is or was a defendant or codefendant.**

For subparts "a" through "e" 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).

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In addition, for items "c" through "e," provide a summary description of the alleged problem and causal and contributing factors and BMW'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:

BMW was advised by NHTSA's Office of Defects Investigation that it did not need to respond to questions involving peer vehicles. Accordingly, BMW is not responding to this question since it pertains to peer vehicles.

6. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 5, state the following information:
- a. BMW's file number or other identifier used;
 - b. The category of the item, as identified in Request No. 5 (i.e., consumer complaint, field report, etc.);
 - c. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
 - d. Vehicle's VIN;
 - e. Vehicle's make, model and model year;
 - f. Vehicle's body style;
 - g. Vehicle's mileage at time of incident;
 - h. Incident date;
 - i. Report or claim date;
 - j. Whether a crash is alleged;
 - k. Whether a fire is alleged;
 - l. Whether property damage is alleged;
 - m. Number of alleged injuries, if any; and
 - n. Number of alleged fatalities, if any.

Provide this information in Microsoft Access 2007, or a compatible format, entitled "REQUEST NUMBER FIVE DATA."

Response:

BMW was advised by NHTSA's Office of Defects Investigation that it did not need to respond to questions involving peer vehicles. Accordingly, BMW is not responding to this question since it pertains to peer vehicles.

7. Produce copies of all documents related to each item within the scope of Request No. 5. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and describe the method BMW used for organizing the documents.

Response:

BMW was advised by NHTSA's Office of Defects Investigation that it did not need to respond to questions involving peer vehicles. Accordingly, BMW is not responding to this question since it pertains to peer vehicles.

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8. State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by BMW 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. BMW's claim number;
- b. Vehicle owner or fleet name (and fleet contact person) and telephone number;
- c. VIN;
- d. Repair date;
- e. Vehicle mileage at time of repair;
- f. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
- g. Labor operation number;
- h. Problem code;
- i. Replacement part number(s) and description(s);
- j. Concern stated by customer; and
- k. Comment, if any, by dealer/technician relating to claim and/or repair.

BMW's response to this request must include but is not limited to any and all claims related to the technical service bulletin number 63 03 06 (not just the claims where the connector housing was replaced), claims where an outboard lamp assembly was replaced due to a problem with the ground circuit (e.g., overheating damage of the ground terminal), and any other claims that involved other repairs of the ground circuit not related to this bulletin. Provide this information in Microsoft Access 2007, or a compatible format, entitled "SUBJECT VEHICLE WARRANTY DATA."

Response:

BMW was advised by NHTSA's Office of Defects Investigation that in responding to this question, it would only need to provide the number of vehicles by Model Year.

The source of this information is our warranty claims database and is current as of 30 June 2011.

The number of paid warranty claims is contained in Table 3.

Model Year	Number of Warranty Claims
2002	12
2003	28
2004	669
2005	987

Table 3.

9. Describe in detail the search criteria used by BMW to identify the claims identified in response to Request No. 8, including the labor operations, problem codes, part numbers and any other pertinent parameters used (e.g., keyword searches of condition and repair statements). Provide a list of all labor operations, labor operation descriptions, problem

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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 BMW 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 BMW 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:

The warranty claims retrieval process involved a number of parameters. Part numbers and part descriptions identified under "subject components" in the Information Request letter were utilized. These part numbers and descriptions are also identified in Service Information Bulletin (SIB) 63 03 06. Additional part numbers and their descriptions identified in SIB 63 03 06 were also utilized. Labor operations and their descriptions identified in SIB 63 03 06 were also a part of the claims retrieval process. This allowed additional claims to be captured for other defect codes that were not contained in the SIB, but were codes that utilized the same part numbers/descriptions and/or labor operation numbers/descriptions that were in the bulletin.

10. State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by BMW to date that relate to, or may relate to, the alleged defect in the Group II 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. BMW's claim number;
- b. Vehicle owner or fleet name (and fleet contact person) and telephone number;
- c. VIN;
- d. Repair date;
- e. Vehicle mileage at time of repair;
- f. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
- g. Labor operation number;
- h. Problem code;
- i. Replacement part number(s) and description(s);
- j. Concern stated by customer; and
- k. Comment, if any, by dealer/technician relating to claim and/or repair.

BMW's response to this request must include but is not limited to any and all claims related to the technical service bulletin number 63 03 06 (not just the claims where the connector housing was replaced), claims where an outboard lamp assembly was replaced due to a problem with the ground circuit (e.g., overheating damage of the ground terminal), and any other claims that involved other repairs of the ground circuit not related to this bulletin. Provide this information in Microsoft Access 2007, or a compatible format, entitled "GROUP II VEHICLE WARRANTY DATA."

Response:

BMW was advised by NHTSA's Office of Defects Investigation that it did not need to respond to questions involving peer vehicles. Accordingly, BMW is not responding to this question since it pertains to peer vehicles.

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- 11. Describe in detail the search criteria used by BMW to identify the claims identified in response to Request No. 10, including the labor operations, problem codes, part numbers and any other pertinent parameters used (e.g., keyword searches of condition and repair statements). Provide a list of all labor operations, labor operation descriptions, problem codes, and problem code descriptions applicable to the alleged defect in the Group II vehicles. State, by make and model year, the terms of the new vehicle warranty coverage offered by BMW on the Group II 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 BMW offered for the Group II vehicles and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty.**

Response:

BMW was advised by NHTSA's Office of Defects Investigation that it did not need to respond to questions involving peer vehicles. Accordingly, BMW is not responding to this question since it pertains to peer vehicles.

- 12. With regard to BMW 3 series sedans manufactured for sale or lease in the United States, separately for each model year between 1999 and 2005, state the BMW part number (as manufactured and for service) of the driver side and the passenger side rear outboard lamp assembly and of the wiring harness connector(s) for those assemblies. For any and all model years, if there were different rear lamp assemblies for different body styles, for each lamp assembly state the body style of the vehicles it was installed on by BMW. Describe all similarities and differences in the rear outboard lamp assemblies and associated wiring harness connectors, between those installed on (a) MY 1999-2001 BMW 3 series vehicles (Group II vehicles) as manufactured by BMW and (b) Subject Vehicles.**

Response:

Please refer to BMW's August 25, 2011 Part 573 defect report for information pertaining to this question.

- 13. For each rear lamp assembly and wire harness connector identified in your response to number 12, state the supplier's name, address, and person who is the point of contact (name, title, and telephone number).**

Response:

Please refer to BMW's August 25, 2011 Part 573 defect report for information pertaining to this question.

- 14. Separately for each subject component manufactured and/or distributed for use on subject vehicles, state the component name, part number (both service and engineering/production), model and model year of the vehicle for which it has been designated for use, month/year of sale (including the cut-off date for sales, if applicable) and**

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the numbers of that subject component that BMW has sold in the United States by month and year.

Response:

BMW was advised by NHTSA's Office of Defects Investigation that it is no longer necessary to provide information in response to this question.

- 15. Identify each and every kit and/or service part that has been released or developed by BMW for use in repairs to one or more subject components in the subject vehicles, or to any assembly that contains one or more of the subject components, by kit/service part name, part number (both service and engineering/production), and model and model year of the vehicle for which it has been designated for use. For each such part, state the supplier's name, address, and appropriate point of contact (name, title, and telephone number). For each kit/service part you identify, state the number of kits and service parts that have been sold (including the cut-off date for sales, if applicable), by month and year.**

Response:

BMW was advised by NHTSA's Office of Defects Investigation that it is no longer necessary to provide information in response to this question.

- 16. Separately for each subject component manufactured and/or distributed for use on Group II vehicles, state the component name, part number (both service and engineering/production), model and model year of the vehicle for which it has been designated for use, month/year of sale (including the cut-off date for sales, if applicable) and the numbers of that subject component that BMW has sold in the United States by month and year.**

Response:

BMW was advised by NHTSA's Office of Defects Investigation that it did not need to respond to questions involving peer vehicles. Accordingly, BMW is not responding to this question since it pertains to peer vehicles.

- 17. Identify each and every kit and/or service part that has been released or developed by BMW for use in repairs to one or more subject components in Group II vehicles, or to any assembly that contains one or more of the subject components, by kit/service part name, part number (both service and engineering/production), and model and model year of the vehicle in which it has been designated for use. For each such part, state the supplier's name, address, and appropriate point of contact (name, title, and telephone number). For each kit/service part you identify, state the number of kits and service parts that have been sold (including the cut-off date for sales, if applicable), by month and year.**

Response:

BMW was advised by NHTSA's Office of Defects Investigation that it did not need to respond to questions involving peer vehicles. Accordingly, BMW is not responding to this question since it pertains to peer vehicles.

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- 18. By subject component, identify by make, model and model year, any other BMW vehicles that use the same subject components as the subject vehicles, whether installed in production or in service, and state the applicable dates of production or service usage.**

Response:

BMW was advised by NHTSA's Office of Defects Investigation that it did not need to respond to questions involving peer vehicles. Accordingly, BMW is not responding to this question since it pertains to peer vehicles.

- 19. Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations including, but not limited to, product and design development tests (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, BMW. 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:

Please refer to BMW's August 25, 2011 Part 573 defect report for information pertaining to this question.

- 20. With regard to BMW 3 series sedans manufactured for sale or lease in the United States from (and including) MY 2002 to (and including) MY 2006, describe all similarities and differences in the rear outboard lamp assembly electricity conduits (e.g., metal, wires, ground conductors) and connections including wiring harness connectors, between those installed on (a) Subject Vehicles and (b) MY 2006 BMW 3 series vehicles. State the BMW part numbers (as manufactured and for service) of the driver side and the passenger side rear outboard lamp assemblies in MY 2006 BMW 3 series vehicles.**

Response:

BMW was advised by NHTSA's Office of Defects Investigation that it did not need to respond to questions involving peer vehicles. Accordingly, BMW is not responding to this question since it pertains to peer vehicles.

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- 21. Describe all modifications or changes made by, or on behalf of, BMW in the design, material composition, manufacture, quality control, supply, or installation of the subject components during model years 2002 through 2005, 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 BMW is aware of which may be incorporated into vehicle production within the next 120 days.

Response:

Please refer to BMW's August 25, 2011 Part 573 defect report for information pertaining to this question.

- 22. Separately identify each and every internal BMW document (including drafts and including emails) relating to the alleged defect in the subject vehicles, including but not limited to those that discuss the alleged defect, the cause of or contributing factors to the alleged defect, field performance and/or durability of the rear lamp assemblies, possible or actual methods of repair to correct the alleged defect, and potential or actual changes to the lamp assembly, its connector or the ground system. Provide a chronological summary of the communications.**

Response:

BMW was advised by NHTSA's Office of Defects Investigation that it is no longer necessary to provide information in response to this question.

- 23. Produce in chronological order each and every BMW document (including drafts and including emails) relating to the alleged defect in the subject vehicles, including but not limited to those that discuss the alleged defect, the cause of or contributing factors to the alleged defect, field performance and/or durability of the rear lamp assemblies, possible or actual methods of repair to correct the alleged defect, and potential or actual changes to the lamp assembly, its connector or the ground system.**

Response:

BMW was advised by NHTSA's Office of Defects Investigation that it is no longer necessary to provide information in response to this question.

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- 24. Separately identify each and every document (including emails) transmitted between BMW and one or more of its suppliers (both BMW to supplier(s), and supplier to BMW (including where BMW received a copy) relating to the alleged defect in the subject vehicles, including but not limited to those that discuss the alleged defect, the cause of or contributing factors to the alleged defect, field performance and/or durability of the rear lamp assemblies, possible or actual methods of repair to correct the alleged defect, and potential or actual changes to the lamp assembly, its connector or the ground system. Provide a chronological summary of the communications.**

Response:

BMW was advised by NHTSA's Office of Defects Investigation that it is no longer necessary to provide information in response to this question.

- 25. Produce in chronological order each and every document (including emails) transmitted between BMW and one or more of its suppliers (both BMW to supplier(s), and supplier to BMW (including where BMW received a copy) relating to the alleged defect in the subject vehicles, including but not limited to those that discuss the alleged defect, the cause of or contributing factors to the alleged defect, field performance and/or durability of the rear lamp assemblies, possible or actual methods of repair to correct the alleged defect, and potential or actual changes to the lamp assembly, its connector or the ground system.**

Response:

BMW was advised by NHTSA's Office of Defects Investigation that it is no longer necessary to provide information in response to this question.

- 26. In consideration of any additional information accumulated and evaluated in preparation of BMW's response to this letter, furnish an update to BMW's assessment of the alleged defect in the subject vehicles and Group II vehicles, provided in BMW's March 15, 2010 response to the original EA IR, 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 malfunctioning.**

Response:

Please refer to BMW's August 25, 2011 Part 573 defect report for information pertaining to this question.