



U.S. Department
of Transportation

National Highway
Traffic Safety
Administration

JUN 16 2005

400 Seventh Street, S.W.
Washington, D.C. 20590

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Stephan J. Speth, Director
Vehicle Compliance and Safety Affairs
DaimlerChrysler Corporation
800 Chrysler Dr. - CIMS 482-00-91
Auburn Hills, MI 48326-2757

NVS-213dsy
EA04-025

Dear Mr. Speth:

This letter is sent in connection with the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) investigation EA04-025 and is a request for updated production and complaint data (to a current status), and for additional technical information. Appendix A, which contains photographs showing the names of system components referred to in this letter, is attached for reference.

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

- **Subject vehicles:** all model year (MY) 2003 to current production MY 2005 Dodge Ram 2500 and 3500 model heavy-duty pickups with diesel engine and automatic transmission (model 47RE or 48RE) manufactured for sale or lease in the United States.
- **Incomplete shift:** a static shift lever position between gated PARK and gated REVERSE.
- **Alleged defect:** Inadvertent movement and/or rolling of the vehicle from a parked position, while powered and either attended or unattended, where drivers allege that the gearshift lever was placed in park and/or gearshift (PRNDL) indicator was in Park, regardless of whether DaimlerChrysler verified the allegation or not.
- **DCC:** DaimlerChrysler Corporation, 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 DCC (including all business units and persons previously referred to), who are or, in or after



DOT AUTO SAFETY HOTLINE
888-DASH-2-DOT
888-327-4238

January 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);
- b. Testing, assessment or evaluation;
- 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; or
- d. 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.

- **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 DCC, 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 DCC 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.

In order for my staff to evaluate the alleged defect, certain information is required. Pursuant to 49 U.S.C. § 30166, please provide numbered responses to the following information requests. Insofar as DCC has previously provided a document to ODI, DCC may produce it again or identify the document, the document submission to ODI in which it was included and the precise location in that submission where the document is located. 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 DCC's response to each request, identify the source of the information and indicate the last date the information was gathered.

1. State, by model and model year, the number of subject vehicles DCC has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by DCC, state the following:
 - a. Vehicle identification number (VIN);
 - b. Transmission model number;
 - c. Transmission shift location (floor or steering column);
 - d. PRNDL indicator type/design (e.g., 'E' for electronic, 'M' for mechanical, etc.);
 - e. Date of manufacture;
 - f. Date warranty coverage commenced; and
 - g. 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 2000, or a compatible format, entitled "PRODUCTION DATA." See Enclosure 1, 'EA04025Attachments-IR2', for a pre-formatted table, which provides further details regarding this submission.

2. State the number of each of the following, received by DCC, or of which DCC 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, 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 the alleged defect in a subject vehicle, property damage claims, consumer complaints, or field reports;

- d. Property damage claims; and
- e. Third-party arbitration proceedings where DCC is or was a party to the arbitration; and lawsuits, both pending and closed, in which DCC 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).

In addition, for items "c" through "e", provide a summary description of the alleged problem and causal and contributing factors and DCC's assessment of the problem, with a summary of the significant underlying facts and evidence. For items "d" and "e," 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.

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. DCC'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 (only if the VIN is unavailable);
 - f. Vehicle's mileage at time of incident;
 - g. Incident date;
 - h. Report or claim date;
 - i. Whether a crash is alleged;
 - j. Whether property damage is alleged;
 - k. Number of alleged injuries, if any;
 - l. Number of alleged fatalities, if any; and
 - m. Summary description (Request No. 2, items "c" through "e" only).

Provide this information in Microsoft Access 2003, or a compatible format, titled "COMPLAINT DATA." See Enclosure 1, 'EA04025Attachments-IR2', for a pre-formatted table, which provides further details regarding this submission.

4. Produce copies of all documents related to each of items "c" through "e" within the scope of Request No. 2. Organize the documents separately by category (i.e., crash/injury/fatality reports, property damage claims, etc.) and describe the method DCC used for any further organization of the documents.
5. The subject vehicle inner manual lever contains a flat area in the transition radius between the PARK and REVERSE detent positions which differs significantly from the functionally equivalent component(s) used in another model DCC transmission and those of contemporary peer transmissions (from other manufacturers) that ODI has reviewed (see examples in Appendix A of the equivalent components which have a peaked/small radius

design lacking a flat area). Discuss the historical, engineering and technical aspects of why the subject vehicle inner manual lever design has this characteristic.

6. Indicate whether DCC has performed any analysis, studies, investigations or evaluations (collectively, "actions") of, or otherwise considered, design changes of any shift system component which would prevent or inhibit the vehicle operator from achieving an incomplete shift, including any that would result in the following:
 - a. Modification of the inner manual lever (e.g., the flat area in the transition radius between the PARK and REVERSE detent positions) in a manner which would produce a mechanical (detent) force capable of diverting the shift system to one gated gear position or the other;
 - b. Modification of the shifter (e.g., the land between the shift PARK and REVERSE gates, see Appendix A) in a manner which would produce a mechanical (detent) force capable of diverting the shift system to one gated gear position or the other;
 - c. For each of the foregoing please provide DCC's evaluation of the following:
 - i) The technical feasibility and costs of any such changes;
 - ii) The impact of such changes on operator behavior and/or the operators ability to achieve an incomplete shift;
 - iii) The impact of any such changes on compliance with any industry or Federal Motor Vehicle Safety Standards.

This letter is being sent to DCC 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. DCC's failure to respond promptly and fully to this letter could subject DCC 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 (Sept. 28, 2004)). This includes failing to respond to ODI information requests.

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

DCC's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by June 30, 2005. Please refer to EA04-025 in DCC's response

to this letter. If DCC finds that it is unable to provide all of the information requested within the time allotted, DCC must request an extension from Mr. Jeffrey Quandt at (202) 366-5207 no later than five business days before the response due date. If DCC 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 DCC then has available, even if an extension has been granted.

If DCC 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, DCC 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 (69 Fed. Reg. 21409 et seq; April 21, 2004), to the Office of Chief Counsel (NCC-113), National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, S.W., Washington, D.C. 20590. DCC 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 Scott Yon of my staff at (202) 366-0139.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kathleen C. DeMeter', with a long horizontal line extending to the right.

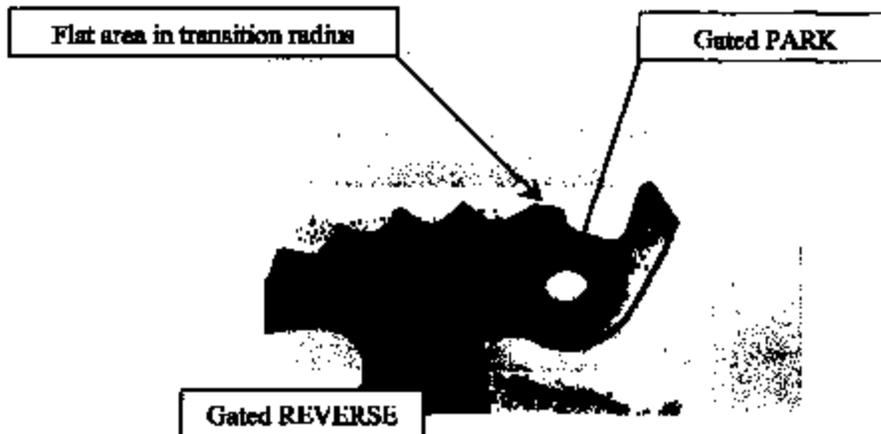
Kathleen C. DeMeter, Director
Office of Defects Investigation
Enforcement

Enclosure 1, one CD ROM titled 'EA04025Attachments-IR2' containing 2 Microsoft Access database template files.

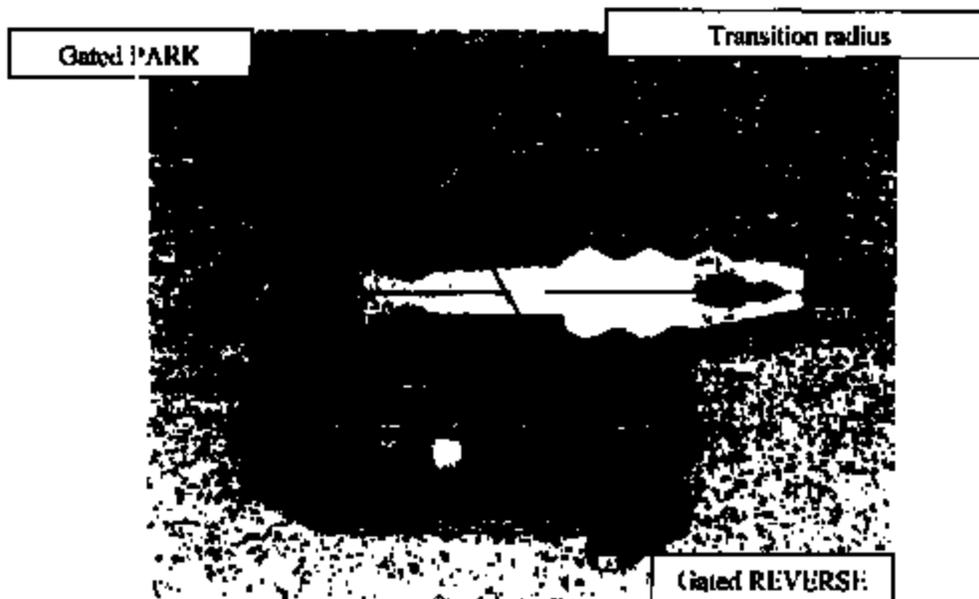
Attachment 1, 'Appendix A' containing photographs of system components referenced in this document.

Attachment 1: Appendix A

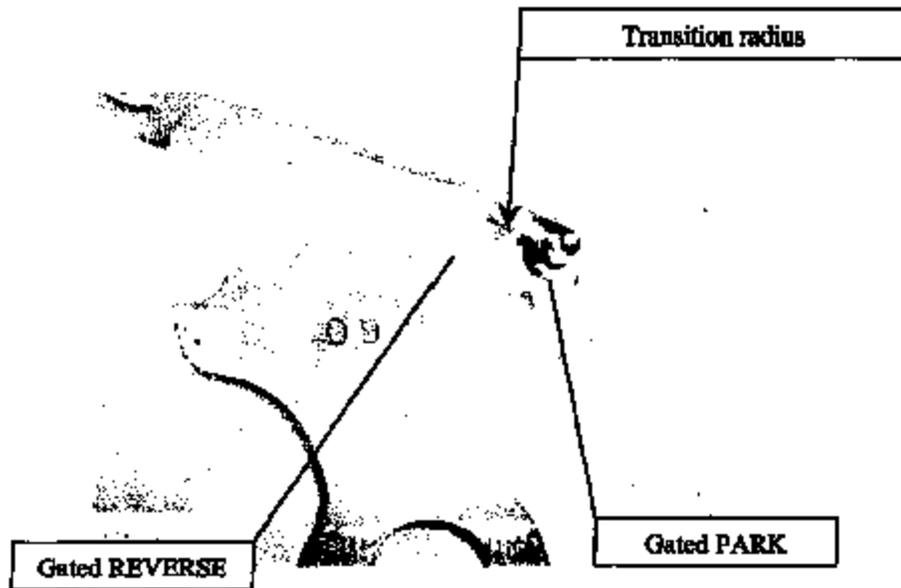
1) Inner manual lever (similar to subject vehicle)



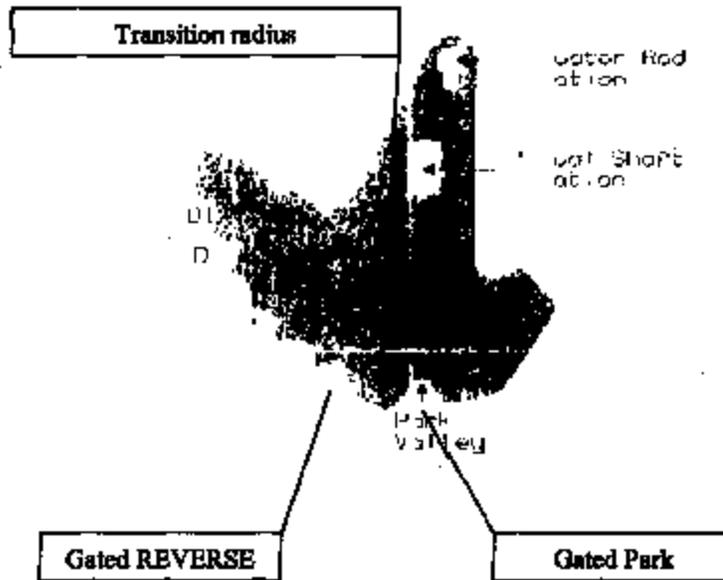
2) Manual valve cam plate from DaimlerChrysler 45RFE transmission (RAM 1500)



3) Ford 5R100 Transmission Rooster Comb and Detent Spring



4) GM 4L80-E Transmission Detent Lever (Rooster Comb)



5) Subject Vehicle Shift Lever Assembly (side facing toward steering column)

