



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

OCT 22 2018

1200 New Jersey Avenue SE  
Washington, DC 20590

**Via Certified Mail and Email (delivery receipt requested)**

Mr. R. Thomas Brunner  
Senior Manager, Regulatory and Government Compliance  
Mercedes-Benz USA, LLC  
3 Mercedes Drive  
Montvale, NJ 07645

NEF-107JK  
AQ18-004

**Re: Audit of Safety Recall Campaign Administration (AQ18-004)**

Dear Mr. Brunner:

This letter is to inform you that the National Highway Traffic Safety Administration's (NHTSA) Recall Management Division (RMD) has opened an Audit Query (AQ18-004) to investigate concerns with Mercedes-Benz USA LLC's (MBUSA) compliance with federal laws and regulations applicable to safety recalls. RMD's review of MBUSA's administration revealed numerous issues with timely notification to owners and purchasers, as well as timely submission of representative copies of communications to NHTSA. Additionally, MBUSA has frequently been unable to meet the performance requirements linked to its required support of NHTSA's VIN Look Up tool. Repeated and lengthy disruptions of MBUSA's service result in the motoring public not being able to access safety critical information about their MBUSA vehicles and/or confusion over whether a safety recall applies to their vehicle.

For example, as part of an annual audit of recall files, on May 1, 2018, RMD issued MBUSA a list of deficiencies in MBUSA's 2017 recall files. This list included numerous recalls in which MBUSA failed to notify owners of vehicle recalls within the full sixty (60) days the company has under federal regulation. RMD asked MBUSA to explain why it could not meet the requirement, and to describe the steps MBUSA would take to ensure future recall notifications would be issued within 60 days. MBUSA responded with a short statement for each deficiency. For example, MBUSA's response to several of the inquiries about late issued owner notification letters was, "Redacted version of the interim letter was not posted. Redacted version now updated to portal." MBUSA did not answer our request for it to identify the steps it would take to meet its notification obligation to its owners.

In addition, on numerous occasions MBUSA omitted critical information about the problem for which a recall decision was made, or details about its recall plans. Items such as the estimated percentage of its products impacted by a recall concern and information about the expected



timing for its recalls campaigns are examples of what was frequently missed. It provided information only after its campaigns had long since launched to the field, thereby not completing its reporting responsibilities and preventing NHTSA from fully assessing the safety risk involved and frustrating the agency's oversight responsibilities.

## DEFINITIONS

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

1. The term "MBUSA" means Mercedes-Benz USA, LLC, including all its divisions, parent company, subsidiaries and affiliated enterprises and its 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 MBUSA (including all business units and persons previously referred to).
2. The term "communications" is used in the broadest sense of the word and shall mean the exchange, transfer, or relay of any ideas, messages, or information by speech, writing, or other means, whether electronic, paper, or in person.
3. The term "you" or "your" refers to MBUSA.
4. The term "person" includes natural persons, proprietorships, partnerships, firms, corporations, federal, state, and local governments, all departments and agencies thereof, and any other governmental agencies, political subdivisions, groups, associations, or organizations, whether located in the United States or abroad.
5. The term "relate to" or "relating to" means constituting, comprising, containing, setting forth, showing, disclosing, describing, explaining, summarizing, concerning, or referring to, directly or indirectly.
6. The term "explain," "describe in detail," or "state in detail" mean the following:
  - a. Describe fully by reference to underlying facts rather than ultimate facts or conclusions of law or fact.
  - b. Particularize as to:
    - i. The identity of each person involved in each such event, including but not limited to persons employed by MBUSA and those persons purporting to act for MBUSA;
    - ii. The specific acts of each person participating in each such event;
    - iii. The date and time of each such event;
    - iv. The address and location of each such event; and
    - v. The identity of each person present during each such event.

7. The term "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), and faxes. For purposes of this request, any document that 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.
8. The term "Safety recall" means the decision to conduct a recall by MBUSA and the execution of that recall or similar.
9. Other Terms: To the extent that they are used in this information request, 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 plural form, have the same meaning as found in 49 CFR 579.4.
10. The singular includes the plural; the plural includes the singular. The masculine gender includes the feminine and neutral genders; and the neutral gender includes the masculine and feminine genders. "And" as well as "or" shall be construed either disjunctively or conjunctively, to bring within the scope of this information request all responses that might otherwise be construed to be outside its scope. "Each" shall be construed to include "every" and "every" shall be construed to include "each." "Any" shall be construed to include "all" and "all" shall be construed to include "any." The use of a verb in any tense shall be construed as the use of the verb in a past or present tense, whenever necessary to bring within the scope of the document request all responses which might otherwise be construed to be outside its scope.

To conduct this investigation into MBUSA's administration of safety recalls over the past 18 months, certain information is required. Pursuant to 49 U.S.C § 30166, 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.

### **INFORMATION REQUESTS**

Repeat the applicable request verbatim above each response. After your response to each request, identify the source of the information and indicate the last date the information was gathered.

1. For the recalls listed in **Table A**, provide:

- a. The date the initial Part 573 report was submitted to NHTSA;
- b. The exact date(s) that Part 577 owner notification letters (or, where applicable, interim owner notification letters) were mailed to owners; and
- c. The computed number of calendar days between the date provided in (a) and the date provided in (b).

Provide your responses in a table in Microsoft Excel organized by recall number.

<b>Table A</b>	
<b>1</b>	17V-251 (Subject: Seat Belt Pretensioners may not Function Properly)
<b>2</b>	17V-241 (Subject: Possible Loss of Electric Power Steering Assist)
<b>3</b>	17V-080 (Subject: Certain Front Air Bags may not Deploy in a Crash)
<b>4</b>	17V-447 (Subject: Left Front Axle Steering Knuckle May Fail)
<b>5</b>	17V-448 (Subject: Parking Brake Cable May Loosen)
<b>6</b>	18V-405 (Subject: Child Seat Tether Anchorage Missing/FMVSS 225)

2. For each safety recall identified in **Table A** for which the computed calculation under item c is more than 60, explain why MBUSA took more than 60 days to notify its purchasers, including identification of all causes of the delay. For every safety recall so identified, identify and explain any steps the company has taken to avoid or reduce the future delays for those reasons. Produce copies of all documents that evidence, substantiate, or are otherwise related to your responses. Organize the documents separately by NHTSA Recall number.
3. Using the same calculation as provided for in **Table A**, identify any additional safety recalls for which MBUSA computes more than 60 days by their respective NHTSA recall numbers. For each identified recall, answer question 2 and supply the requested documents. This request applies to all MBUSA recalls from the past two calendar years.
4. For the following recalls listed in **Table B**, provide:
  - a. The exact date(s) that Part 577 owner notification letters (or, where applicable, interim owner notification letters) were mailed to owners;
  - b. The exact date(s) that a representative copy of the issued Part 577 owner notification letters (or, where applicable, interim owner notification letters) were submitted to NHTSA; and
  - c. The computed number of calendar days between the date provided in (a) and the date provided in (b).

Provide your responses in a table in Microsoft Excel organized by recall number.

<b>Table B</b>	
<b>1</b>	17V-017 (Subject: Passenger Frontal Air Bag Inflator May Rupture)
<b>2</b>	17V-080 (Subject: Certain Front Air Bags may not Deploy in Crash)
<b>3</b>	17V-114 (Subject: Starting Current Limiter May Overheat)
<b>4</b>	17V-179 (Subject: Missing Headlight Adjustment Cap/FMVSS 108)
<b>5</b>	17V-241 (Subject: Possible Loss of Electric Power Steering Assist)
<b>6</b>	17V-246 (Subject: Roof Spoiler May Detach)
<b>7</b>	17V-250 (Subject: Incorrect Torque on Steering Coupling)
<b>8</b>	17V-251 (Subject: Seat Belt Pretensioners may not Function Properly)
<b>9</b>	17V-308 (Subject: Brakes May Drag and Overheat)
<b>10</b>	17V-447 (Subject: Left Front Steering Knuckle May Fail)
<b>11</b>	17V-448 (Subject: Parking Brake Cable May Loosen)
<b>12</b>	17V-506 (Subject: ECU Software May Cause Engine Shut Down)
<b>13</b>	17V-627 (Subject: Inadvertent Driver Airbag Deployment)
<b>14</b>	17V-655 (Subject: Excess Insulation Impairing Air Bag Deployment)
<b>15</b>	17V-714 (Subject: Power Steering May Malfunction and be Disabled)
<b>16</b>	17V-715 (Subject: Sun Roof Panels May Detach)
<b>17</b>	17V-816 (Subject: Door May Not Lock/FMVSS 206)
<b>18</b>	17V-817 (Subject: Brake Booster May Not Provide Power Assist)
<b>19</b>	17V-819 (Subject: Insufficient Low Beam Illumination/FMVSS 108)
<b>20</b>	17V-826 (Subject: Seat Belt May Bind, Causing Slack)
<b>21</b>	17V-828 (Subject: Incorrect Tire Label on B-Pillar/FMVSS 101)
<b>22</b>	18V-177 (Subject: Rear Seat Belt May be Unable to be Latched)
<b>23</b>	18V-208 (Subject: Air Bag Inflator Housing Material Failure)

5. For each safety recall identified in **Table B**, for which the computed calculation under item c is more than 5, explain why MBUSA took more than 5 days to provide a representative copy of the owner notification letter, including identification of all causes for the delay. For every safety recall so identified, identify and explain any steps the company has taken to avoid or reduce the future delays for those reasons. Produce copies of all documents that evidence, substantiate, or are otherwise related to your responses to each recall within the scope of this request, and organize by recall number.

6. Using the same calculation as provided for in **Table B**, identify any additional safety recalls for which MBUSA computes more than 5 days by their respective NHTSA recall number. For each identified recall, answer question 5 and supply the requested documents. This request applies to all MBUSA recalls from the past two calendar years.
7. On a bi-weekly basis, NHTSA issues email reminders identifying missing information from Part 573 Reports. These reminders continue until the manufacturer supplies the missing information, or a total of four reminders have been sent.

**Table C** lists recalls for which the agency identified to MBUSA information missing from Part 573 reports and requested that information from MBUSA. For each item identified for each recall listed, please state:

- a) When MBUSA first received an email reminder;
- b) The date(s) of every email reminder since the first;
- c) The date(s) when MBUSA supplied the missing information and how it supplied that information (e.g. amended 573 report, etc.)
- d) For any items for which information is still missing, inform as to when MBUSA expects to provide the information and how it will supply it to NHTSA.

<b>Table C</b>	
<b>1</b>	16V-081 (Subject: Driver's Frontal Air Bag Inflator May Rupture)
	<ol style="list-style-type: none"> <li>a. Provide when <u>Dealer and Planned Owner Notification Dates</u> were determined and the date MBUSA provided this information to NHTSA in an amended Part 573 Report.</li> <li>b. Provide when the <u>Estimated % of Units with the Defect or Noncompliance</u> were determined and the date MBUSA provided this information to NHTSA in an amended Part 573 Report.</li> </ol>
<b>2</b>	16V-087 (Subject: Sunroof Glass may not be Properly Bonded)
	<ol style="list-style-type: none"> <li>a. Provide when <u>Dealer and Planned Owner Notification Dates</u> were determined and the date MBUSA provided this information to NHTSA in an amended Part 573 Report.</li> </ol>
<b>3</b>	16V-306 (Subject: Rear Tie Rod Lock Nuts May Loosen)
	<ol style="list-style-type: none"> <li>a. Provide when the <u>Estimated % of Units with the Defect or Noncompliance</u> were determined and the date MBUSA provided this information to NHTSA in an amended Part 573 Report.</li> </ol>

<b>Table C</b>	
<b>4</b>	16V-439 (Subject: Low-Beam Headlights Adjusted Incorrectly/FMVSS 108)
	a. Provide when the <u>Estimated % of Units with the Defect or Noncompliance</u> were determined and the date MBUSA provided this information to NHTSA in an amended Part 573 Report.
<b>5</b>	17V-017 (Subject: Passenger Frontal Air Bag Inflator May Rupture)
	a. Provide when <u>Dealer and Planned Owner Notification Dates</u> were determined and when were they provided to NHTSA in an amended Part 573 Report.
<b>6</b>	17V-076 (Subject: Passenger Detection System May Disable Air Bag)
	a. Provide when <u>Dealer and Planned Owner Notification Dates</u> were determined and the date MBUSA provided this information to NHTSA in an amended Part 573 Report.
<b>7</b>	17V-077 (Subject: Center Console May Open in a Crash/FMVSS 201)
	a. Provide when <u>Dealer and Planned Owner Notification Dates</u> were determined and the date MBUSA provided this information to NHTSA in an amended Part 573 Report.
<b>8</b>	17V-080 (Subject: Certain Front Air Bags may not Deploy in a Crash)
	a. Provide when <u>Dealer and Planned Owner Notification Dates</u> were determined and the date MBUSA provided this information to NHTSA in an amended Part 573 Report.
<b>9</b>	17V-114 (Subject: Starting Current Limiter May Overheat)
	a. Provide when <u>Dealer and Planned Owner Notification Dates</u> were determined and the date MBUSA provided this information to NHTSA in an amended Part 573 Report.
<b>10</b>	17V-179 (Subject: Missing Headlight Adjustment Cap/FMVSS 108)
	a. Provide when <u>Dealer and Planned Owner Notification Dates</u> were determined and the date MBUSA provided this information to NHTSA in an amended Part 573 Report.
<b>11</b>	17V-655 (Subject: Excess Insulation Impairing Air Bag Deployment)

<b>Table C</b>	
	a. Provide when <u>Dealer and Planned Owner Notification Dates</u> were determined and the date MBUSA provided this information to NHTSA in an amended Part 573 Report.
<b>12</b>	17V-817 (Subject: Brake Booster May Not Provide Power Assist)
	a. Provide when the <u>Estimated % of Units with the Defect or Noncompliance</u> were determined and the date MBUSA provided this information to NHTSA in an amended Part 573 Report.
<b>13</b>	17V-818 (Subject: Air Bag Nondeployment or Incorrect Deployment)
	a. Provide when <u>Dealer and Planned Owner Notification Dates</u> were determined and the date MBUSA provided this information to NHTSA in an amended Part 573 Report.
<b>14</b>	17V-826 (Subject: Seat Belt May Bind, Causing Slack)
	a. Provide when <u>Dealer and Planned Owner Notification Dates</u> were determined and the date MBUSA provided this information to NHTSA in an amended Part 573 Report.
<b>15</b>	18V-043 (Subject: Passenger Frontal Air Bag Inflator May Explode)
	a. Provide when the <u>Estimated % of Units with the Defect or Noncompliance</u> were determined and the date MBUSA provided this information to NHTSA in an amended Part 573 Report.
<b>16</b>	18V-150 (Subject: Incorrect Welding of Backrest Rail and Fittings)
	a. Provide when the <u>Estimated % of Units with the Defect or Noncompliance</u> were determined and the date MBUSA provided this information to NHTSA in an amended Part 573 Report.
<b>17</b>	18V-151 (Subject: Incorrect Adjustment of LED Headlights/FMVSS 108)
	a. Provide when the <u>Description of the Recall Schedule for Notifications</u> was determined and the date MBUSA provided this information to NHTSA in an amended Part 573 Report
<b>18</b>	18V-208 (Subject: Air Bag Inflator Housing Material Failure)



<b>Table C</b>	
	a. Provide when the <u>Estimated % of Units with the Defect or Noncompliance</u> were determined and the date MBUSA provided this information to NHTSA in an amended Part 573 Report.
<b>19</b>	18V-272 (Subject: Oil in Active Curve System May Leak)
	a. Provide when <u>Dealer and Planned Owner Notification Dates</u> were determined the date MBUSA provided this information to NHTSA in an amended Part 573 Report.

Produce copies of all documents that evidence, substantiate, or are otherwise related to your responses to each recall within the scope of this request. Organize the documents separately by NHTSA recall number.

8. For each of the recalls listed in **Table D**, provide:

- a. The date owner notification letters were first mailed for each recall;
- b. The due dates for each of the required six quarterly reports, as specified by Part 573.7 (d);
- c. The submission date to NHTSA for each of the six quarterly reports;
- d. For any quarterly reports that were submitted after their due dates, please state the number of days late.
- e. Explain the reason(s) for any late reporting identified in response to (d).

Provide your responses in a table in Microsoft Excel organized by recall number.

<b>Table D</b>	
<b>1</b>	16V-211 (Subject: Loss of Vehicle Battery may Result in Rollaway)
<b>2</b>	16V-899 (Subject: Loss of Electric Power Steering Assist)
<b>3</b>	17V-078 (Subject: Transmission may not Respond to Shift Lever Input)
<b>4</b>	17V-080 (Subject: Certain Front Air Bags may not Deploy in a Crash)
<b>5</b>	17V-448 (Subject: Parking Brake Cable May Loosen)
<b>6</b>	17V-506 (Subject: ECU Software May Cause Engine Shut Down)
<b>7</b>	17V-627 (Subject: Inadvertent Driver Air Bag Deployment)

9. Explain the procedures at MBUSA for collecting completion rates on safety recalls and submitting the information to NHTSA. Include specifics about how quarterly report deadlines on its U.S. safety recalls are tracked and managed and by which office(s), completion rate data is collected, and information is submitted before each recall's respective deadline. To the extent MBUSA has updated its processes or procedures to

mitigate against risks of late filing of its quarterly reports, identify those updates and state when they were implemented.

10. For the following recalls listed in **Table E**, provide:
- The date that MBUSA employees completed their investigation of the defect or noncompliance.
  - The date that information about the investigation of the defect or noncompliance was provided to personnel of MBUSA or its parent responsible for deciding whether a Part 573 Safety Recall Report should be filed
  - The date that the defect or noncompliance was resolved in vehicle production;
  - The date that MBUSA decided that a defect or noncompliance existed;
  - The date the Part 573 was submitted, and
  - The calculated number of working days between d and e.

Explain any timeline gaps between the initial investigations and the defect determination. Include what information was available at the time the decision was made, such as any presentations, reports, summaries, or other documents that lead to the decision, and details on when each supporting information document was available to the decision-maker(s). Organize the documents separately by NHTSA Recall number.

<b>Table E</b>	
<b>1</b>	17V-826 (Subject: Seat Belt May Bind, Causing Slack)
<b>2</b>	18V-405 (Subject: Child Seat Tether Anchorage Missing/FMVSS 225)
<b>3</b>	18V-513 (Subject: Child Seat Anchor May Detach in a Crash)
<b>4</b>	18V-607 (Subject: System may not Correct for Lane Departure)
<b>5</b>	18V-608 (Subject: Rear Window may Loosen and Detach)
<b>6</b>	18V-610 (Subject: Incorrect Color of Turn Signal Lights/FMVSS 108)

11. For each grouping of recalls identified in **Table F**, provide the reasoning for why the Part 573 Reports were filed on the same day and why, for example, each defect or noncompliance issue was not decided as information became available. Include in the response the dates that each defect or noncompliance determination was made, and the calculated difference between that date and the filing date. Organize your responses by both the Part 573 filing date and Recall number.

<b>Table F</b>	
<b>1</b>	2/08/2017 – Six Part 573 Reports filed
	<ul style="list-style-type: none"> <li>b. 17V-076 (Subject: Passenger Detection System May Disable Air Bag)</li> <li>c. 17V-077 (Subject: Center Console May Open in a Crash/FMVSS 201)</li> <li>d. 17V-078 (Subject: Transmission may not Respond to Shift Lever Input)</li> <li>e. 17V-079 (Subject: Windshield may Detach in a Crash/FMVSS 208, 212)</li> <li>f. 17V-080 (Subject: Certain Front Air Bags may not Deploy in a Crash)</li> <li>g. 17V-081 (Subject: Upper Control Arm Connecting Bolt may be Loose)</li> </ul>
<b>2</b>	3/14/2017 – Three Part 573 Reports filed
	<ul style="list-style-type: none"> <li>b. 17V-176 (Subject: Air Bag 'Out-of-Position' Setting/FMVSS 208)</li> <li>c. 17V-177 (Subject: Wrong Control Unit Software Installed)</li> <li>d. 17V-178 (Subject: Door Opening Cable May Fail/FMVSS 206)</li> </ul>
<b>3</b>	4/11/2017 – Seven Part 573 Reports filed
	<ul style="list-style-type: none"> <li>b. 17V-241 (Subject: Possible Loss of Electric Power Steering Assist)</li> <li>c. 17V-243 (Subject: Loss of Electric Power Steering Assistance)</li> <li>d. 17V-245 (Subject: Loss of Instrument Cluster Display/FMVSS 101)</li> <li>e. 17V-246 (Subject: Roof Spoiler May Detach)</li> <li>f. 17V-247 (Subject: Engine may not Shut Off after a Crash)</li> <li>g. 17V-250 (Subject: Incorrect Torque on Steering Coupling)</li> <li>h. 17V-251 (Subject: Seat Belt Pretensioners may not Function Properly)</li> </ul>

<b>Table F</b>	
<b>4</b>	<p>11/14/2017 – Three Part 573 Reports filed</p> <ul style="list-style-type: none"> <li>a. 17V-713 (Subject: Cruise Control may not Disengage)</li> <li>b. 17V-714 (Subject: Power Steering May Malfunction and be Disabled)</li> <li>c. 17V-715 (Subject: Sun Roof Panels May Detach)</li> </ul>
<b>5</b>	<p>12/18/2017 – Six Part 573 Reports filed</p> <ul style="list-style-type: none"> <li>a. 17V-816 (Subject: Door May Not Lock/ FMVSS 206)</li> <li>b. 17V-817 (Subject: Brake Booster May Not Provide Power Assist)</li> <li>c. 17V-818 (Subject: Air Bag Nondeployment or Incorrect Deployment)</li> <li>d. 17V-819 (Subject: Insufficient Low Beam Illumination/FMVSS 108)</li> <li>e. 17V-826 (Subject: Seat Belt May Bind, Causing Slack)</li> <li>f. 17V-828 (Subject: Incorrect Tire Label on B-Pillar/FMVSS 101)</li> </ul>
<b>6</b>	<p>04/27/2018 – Three Part 573 Reports filed</p> <ul style="list-style-type: none"> <li>a. 18V-271 (Subject: Headlight Adjustment Not Sealed/FMVSS 108)</li> <li>b. 18V-272 (Subject: Oil in Active Curve System May Leak)</li> <li>c. 18V-273 (Subject: Insulation Mat May Deform and cause Fire)</li> </ul>
<b>7</b>	<p>08/03/2018 – Three Part 573 Reports filed</p> <ul style="list-style-type: none"> <li>a. 18V-512 (Subject: Panoramic Sunroof May Detach)</li> <li>b. 18V-513 (Subject: Child Seat Anchor May Detach in a Crash)</li> <li>c. 18V-514 (Subject: Child Seat may not Deactivate Passenger Air Bag)</li> </ul>

12. In the past 18 months, MBUSA has experienced numerous service disruptions with its VIN Lookup Tool service, with the most recent disruption occurring in late August 2018. MBUSA's VIN service (supplied to NHTSA's website at [www.nhtsa.gov](http://www.nhtsa.gov)) experienced approximately 49,000 failures in the first half of 2018. In addition, there have been search result discrepancies and quality concerns (e.g., search results yielding both a "Recall Incomplete" and "Recall Incomplete – Remedy not yet available" response simultaneously on the same VIN).

Provide a detailed explanation of MBUSA's process for maintaining its VIN Lookup tool service in accordance with 49 CFR 573.15 (b)(12), including an explanation of what review process MBUSA conducts to ensure the information it displays is complete and accurate, and who conducts that review. Include also an explanation of how MBUSA learns of service disruptions and what system it has in place, if any, for alerting to potential system failures or responsiveness issues, including timeliness. Include also in your explanation which offices have responsibility for detecting system failures and also which offices have responsibility for resolving any issues detected and whether there are any timetables by which these offices must react. Include also identification of any processes or protocols MBUSA has in place to

alert NHTSA to system outages and disruptions and which offices have that responsibility and whether there are any timetables on how quickly MBUSA must inform NHTSA.

Produce copies of any documents that reflect or evidence your response.

13. Explain the process for loading VINs into the tool when new recalls are launched, including any policies or timetables for when MBUSA expects VINs to become available for search on the website in respect to a new recall launch. Include your current process target dates, quality assurance procedures, and process for checking the VIN search results to verify accuracy. Also, produce any written policies and/or procedures MBUSA employees follow to ensure compliance with the NHTSA VIN Tool regulation and its technical specifications.

This letter is being sent to MBUSA pursuant to 49 U.S.C. § 30166(b) and (e), which authorizes NHTSA to conduct any investigation that may be necessary to enforce Chapter 301 of Title 49 and to request reports. It constitutes a new request for information. MBUSA's failure to respond promptly and fully to this letter could subject MBUSA 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.) Section 5(a) of the TREAD Act, codified at 49 U.S.C. § 30165(a), provides for civil penalties of up to \$21,000 per day, with a maximum of \$105,000,000 for a related series of daily violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. This includes failing to respond to ODI information requests.

If MBUSA cannot respond to any specific request or subpart(s) thereof, state the reason why it is unable to do so. If on the basis of attorney client, attorney work product, or other privilege, MBUSA does not submit one or more requested documents or items of information in response to this information request, MBUSA must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, 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.

All documents should be Bates stamped unless they are to be provided in Microsoft Access or Microsoft Excel format. This includes documentation that MBUSA links electronically to any of the spreadsheets it produces in response to these requests. Unless otherwise stated, provide documents in chronological order.

MBUSA's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office **no later than three weeks from the date of this letter**. If MBUSA finds that it is unable to provide the information requested within the time allotted, MBUSA must request an extension from Jennifer Kruger, of my staff, at (202) 366-2461 no later than five business days before the response due date. If MBUSA is unable to provide the information requested by the original deadline, it must submit a partial response by the original deadline with whatever information MBUSA then has available, even if an extension has been granted.

If MBUSA claims that any of the information or documents provided in response to this information request constitutes confidential commercial material within the meaning of 5 U.S.C. § 552(b)(4), or is protected from disclosure pursuant to 18 U.S.C. §1905, MBUSA 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-111), National Highway Traffic Safety Administration, Room W41-326, 1200 New Jersey Ave., SE, Washington, D.C. 20590. MBUSA 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 is claimed to be confidential has been deleted. Please remember that the words "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 of 49 CFR § 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., USB drive), your request and associated submission must conform to the requirements in NHTSA's Confidential Business Information Rule regarding submissions in electronic formats (49 CFR 512.6(c)).

Your point of contact for this investigation is Jennifer Kruger. Jennifer Kruger can be reached on (202) 366-2461 or at [jennifer.kruger@dot.gov](mailto:jennifer.kruger@dot.gov).

Sincerely,



Stephen A. Ridella, Ph.D.  
Director, Office of Defects Investigation  
Enforcement

cc: Gregory Gunther  
Department Manager, Vehicle Compliance and Analysis  
Mercedes-Benz USA, LLC.  
13470 International Parkway  
Jacksonville, FL 32218