

# Piper Rudnick

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May 14, 2004

RECEIVED  
NVS-215  
MAY 17 A 2:06  
OFFICE OF  
DEFECTS INVESTIGATION

Mr. Richard Boyd, Chief  
Medium & Heavy Duty Vehicle Division  
Office of Defects Investigation  
U.S. Department of Transportation  
National Highway Traffic Safety Administration  
Room 5326, NSA-12  
400 Seventh Street, S.W.  
Washington, D.C. 20590

Re: NVS-214gtb  
PE04-014

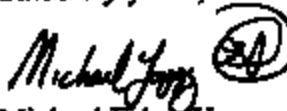
Dear Mr. Boyd:

It has come to my attention that you have not yet received our submission in response to your letter of February 6, 2004 requesting information relative to a turn signal canceller ring equipped on certain Volvo models. Please understand, we sent our response to you on April 21, 2004 via UPS Next Day Air. I have attached a copy of our tracking information, which indicates that our submission was received on April 22, 2004 at 3:02 p.m., and signed for by "Daniels" at "Reception." For whatever reason, it never made it from reception to your office.




I have enclosed a copy of what was previously sent to you. Within you will find a copy of our submission to NHTSA Office of Chief Counsel, dated April 21, 2004 (with redacted copies and redacted CD ROM), and a copy of the letter sent to you from Volvo, dated March 25, 2004.

Please accept our apologies for any inconvenience or delay. If you have any problems or questions regarding the enclosed submission, please do not hesitate in contacting me.

Sincerely yours,

  
Michael Esher Yaggy

MEY/dp  
Enclosures

GREGORY C. JACKSON, ESQ. (410) 680-4127 PIPER KIBROCK 6225 SMITH AVE BALTIMORE MD 21209-9600		LTR 1 OF 1
<b>SHIP TO:</b> MR. RICHARD BOYD, CHIEF MEDIUM&HEAVY DUTY VEHICLE DIVISIO U.S. DEPARTMENT OF TRANSPORTATION NATIONAL HIGHWAY TRAFFIC SAFETY ADM 400 SEVENTH STREET, SW WASHINGTON DC 20590		
	DC 201 9-43	
<b>UPS NEXT DAY AIR</b>		<b>1</b>
TRACKING #: 1Z 3AR 424 01 4539 3300		
		
BILLING: P/P		
REF 1: 022677-000030 REF 2: 11514		

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## Track by Tracking Number

**View Details**

**Status:** Delivered  
**Delivered on:** Apr 22, 2004 3:02 P.M.  
**Signed by:** DANIELS  
**Location:** RECEPTION  
**Delivered to:** WASHINGTON, DC, US  
**Shipped or Billed on:** Apr 21, 2004

**Tracking Number:** LZ 3AR 424 01 4539 330 0  
**Service Type:** NEXT DAY AIR

**Package Progress:**

Date	Time	Location	Activity
Apr 22, 2004	3:02 P.M.	LANDOVER, DC, US	DELIVERY
	3:02 P.M.	LANDOVER, DC, US	PKG DELAY-SECURITY CHK BEYOND UPS CONT'L;UPS INTERNAL ACTIVITY CODE
	12:31 P.M.	LANDOVER, DC, US	SUITE NUMBER NEEDED, NOT DELIVERED
Apr 21, 2004	6:16 A.M.	LANDOVER, MD, US	OUT FOR DELIVERY
	4:23 A.M.	LANDOVER, MD, US	ARRIVAL SCAN
	3:23 A.M.	BALTIMORE, MD, US	DEPARTURE SCAN
	9:09 P.M.	BALTIMORE, MD, US	ARRIVAL SCAN
	8:56 P.M.	SPARKS, MD, US	DEPARTURE SCAN
	7:26 P.M.	SPARKS, MD, US	ORIGIN SCAN
	5:14 P.M.	SPARKS, MD, US	PICKUP SCAN
4:54 P.M.	US	BILLING INFORMATION RECEIVED	

Tracking results provided by UPS: May 13, 2004 4:36 P.M. Eastern Time (USA)

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# VOLVO

Volvo Trucks North America, Inc.

March 25, 2004

Mr. Richard Boyd, Chief  
Medium & Heavy Duty Vehicle Division  
Office of Defects Investigation  
U.S. Department of Transportation  
National Highway Traffic Safety Administration  
400 Seventh Street, S.W.  
Washington, DC 20590

Re: NVS-214gth  
PE04-014

Dear Mr. Boyd:

The following is in response to your letter of February 6, 2004 requesting information relative to a turn signal canceller ring ("TSCR") equipped on certain Volvo models. Some background information may be helpful.

The TSCR was an option when the VN model was introduced in 1996. The standard offering was a turn signal system that was not self-canceling. Customers could opt for a self-canceling system that would then call for usage of the TSCR. However, if a customer ordered a self-canceling system and an optional driver's side air bag, the TSCR was not used. The self-canceling feature of the TSCR was incorporated into the design of the steering wheel hub-mounted air bag. During the life of the VN model, the TSCR underwent one minor design change.

The "new" VN ("P2287") was introduced in late 2002. It utilized a totally different steering column and a TSCR different from what had been used on earlier VN models. Information on the TSCR used in P2287 models is included in the following data.

The TSCR originally used was part number 1607363 and is no longer in production. That part was replaced with a TSCR with strengthened retaining lugs. The part number for the subsequent TSCR was 3176446. It is no longer used in production, but is used for aftermarket parts replacement purposes. It is backward compatible.

The TSCR used in P2287 is part number 20379336. It is not backward compatible.

While your request is limited to VN models, the same TSCR was used in VHD models. VHD models are primarily vocational vehicles while the VN and P2287 are primarily highway tractors. Information regarding TSCRs used in VHD models is included in the following data.

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The steering column design of the VHD was of the same design as that used in the VN. The VHD began serial production in August 2000. When P2287 began serial production in late 2002, the same steering column design was used in the VHD.

## Request 1

1. Identify by model and model year the number of tractors that VTNA has manufactured for sale or lease in the United States since January 1, 1995.

Provide the table in Microsoft Access 2000, or a compatible format, entitled "REQUEST NUMBER ONE - TOTAL PRODUCTION DATA."

## Response 1

See enclosed CD-ROM, table identified as "Request Number One - Total Production Data". Note the production values include VN and VHD models with and without the optional TSCR. Information is by model year, not calendar year.

## Request 2

2. Identify by model and model year the number of subject tractors (equipped with the subject component) that VTNA has manufactured for sale or lease in the United States since January 1, 1995.

Provide the table in Microsoft Access 2000, or a compatible format, entitled "REQUEST NUMBER TWO - SUBJECT POPULATION PRODUCTION DATA."

## Response 2

See enclosed CD-ROM, table identified as "Request Number Two - Subject Total Production Data". Note the production values include VN and VHD models with the optional TSCR. Information is by model year, not calendar year.

## Request 3

3. For each vehicle identified in response to Request No 2, provide a table that identifies
  - (a) the vehicle's VIN;
  - (b) the date of manufacture;
  - (c) the original purchaser or lessee;

# VOLVO

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- (d) the original purchaser or lessee's address;
- (e) the original purchaser or lessee's phone number;
- (f) the original purchaser or lessee's e-mail address, and
- (g) the date of original sale or lease.

Provide the table in Microsoft Access 2000, or a compatible format, entitled "REQUEST NUMBER THREE – ORIGINAL PURCHASERS/LESSEES OF SUBJECT VEHICLES."

## Response 3

See enclosed CD-ROM, table identified as "Request Number Three – Original Purchasers/Lessees of Subject Vehicles".

## Request 4

4. For each vehicle identified in response to Request No 2 that was leased and returned to VTNA or re-purchased and re-sold by VTNA, provide a table that identifies the following information as indicated by VTNA records:
  - (a) the vehicle's VIN;
  - (b) the most recent purchaser or lessee;
  - (c) the most recent purchaser or lessee's address;
  - (d) the most recent purchaser or lessee's phone number;
  - (e) the most recent purchaser or lessee's e-mail address, and
  - (f) the date of the most recent sale or re-lease of the vehicle.

Provide the table in Microsoft Access 2000, or a compatible format, entitled "REQUEST NUMBER FOUR – SUBSEQUENT OWNERS OF SUBJECT VEHICLES"

## Response 4

The information supplied in response to Request 3 is the current owner-of-record. Volvo Trucks North America has no database that reflects changes of ownership in the secondary market. If a truck is resold and it is still under warranty, and the new owner notifies Volvo Trucks North America, the new owner's name and address will appear in the warranty database upon which Volvo Truck's response to Request 3 is based.

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## Request 5

5. State the number of each of the following, received by VTNA, or of which VTNA is otherwise aware, which relate to, or may relate to, the alleged defect in those subject vehicles equipped with the subject component:
- 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, based on claims against the VTNA involving a death or injury, notices received by VTNA 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;
  - e) Property damage claims;
  - f) Third-party arbitration proceedings where VTNA is or was a party to the arbitration; and,
  - g) Lawsuits, both pending and closed, in which VTNA 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 "g," provide a summary description of the alleged problem and causal and contributing factors and VTNA'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.

Provide the table in Microsoft Access 2000, or a compatible format, entitled "REQUEST NUMBER FIVE – SUBJECT VEHICLE COMPLAINT INFORMATION."

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## Response 5

There have been 17 reports in total that fall under the Request sub-parts. Four reports are from Customer Contact Report database that is no longer used. There are 13 reports in the Seibel database that has replaced the Customer Contact Report database.

Specifically,

- a) and b) 17
- c) None, as claim is defined in the TREAD Act.
- d) None.
- e) None.
- f) None.
- g) None.

## Request 6

6. Separately, for each item (complaint, report, claim, notice, or matter) identified in response to Request No. 5 above, state the following information:
  - a) VTNA'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 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; and
  - l) Number of alleged fatalities, if any.

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## Response 6

Attached are copies of Customer Contact Reports 24688, 25326, 26054 and 29353. See attached CD-ROM, table identified as "Seibel Reports".

## Request 7

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 VTNA used for organizing the documents.

## Response 7

Customer Contact Reports and Seibel reports are regarded as falling under "consumer complaints" and "field reports". The Customer Contact Reports are numerically organized by report number and the Seibel table is organized alphabetically by Contact's last name.

## Request 8

8. State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by VTNA to date that relate to, or may relate to, the alleged defect in those subject vehicles equipped with the subject component: 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) VTNA'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.

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Provide the table in Microsoft Access 2000, or a compatible format, entitled "REQUEST NUMBER EIGHT - SUBJECT VEHICLE WARRANTY INFORMATION"

## Response 8

See attached CD-ROM, table identified as "Request Number Eight - Subject Vehicle Warranty Information - Claim Count".

Also see attached CD-ROM, table identified as "Request Number Eight - Subject Vehicle Warranty Information - Claim Detail".

Data does not exist for categories 'g', 'h' and 'j' above.

## Request 9

9. Describe in detail the search criteria used by VTNA 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. 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.

Describe any extended warranty coverage option(s) related to the alleged defect that VTNA 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 9

Warranty claims were searched based upon TSCR part numbers 1607363, 3176446 and 20379336. There are no extended warranty coverage options specifically related to the alleged defect. Vehicles which utilize the above identified part numbers may be the subject of additional purchased coverages. Those claims which are the subject of purchased coverages ("extended warranties") are identified in Response 8.

## Request 10

10. Provide an engineering drawing of the subject component.

# **VOLVO**

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## **Response 10**

Attached are copies of drawing number 1607363 for part number 1607363, drawing number 3176446 for part number 3176446 and drawing number 20398049 for part number 20379336.

## **Request 11**

11. Provide an engineering drawing that depicts a representative steering wheel assembly and shows the location and position of the turn signal canceller ring as installed in the subject vehicles.

## **Response 11**

Attached is a copy of assembly drawing 8079441 depicting the steering column assembly in the VN model. Also attached is a copy of drawing R100315 depicting the steering column assembly in P2287.

## **Request 12**

12. Provide a sample of a new, undamaged subject component.

## **Response 12**

An exemplar of part numbers 3176446 and 20398049 are being sent separately. Part number 1607363 is no longer in production and therefore not available in quantity.

## **Request 13**

13. Provide a copy of the service instructions that VTNA has published for removing and replacing the turn signal canceller ring for the subject vehicles.

## **Response 13**

None.

## **Request 14**

14. Describe all modifications or changes made by, or on behalf of, VTNA in the design, material composition, manufacture, quality control, supply, or installation of the subject

# VOLVO

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component and/or interfacing components and/or changes intended to eliminate or reduce potential interference, binding, or resistance in the steering wheel assembly from the start of production to date, 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 numbers (service and engineering) of the original component;
- e) The part number (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 VTNA is aware of which may be incorporated into vehicle production within the next 120 days.

## Response 14

- a) Part number 1607363 revised and implemented into production on January 4, 1999. Part number 3176446 was implemented on November 22, 1999 and replaced part number 1607363. Part number 3176446 was revised and implemented on April 17, 2000. Part number 3176446 had additional ribs added at the base of the insertion pins.

Part number 20379336 was implemented in November 2002. It is a new design associated with the release of a different steering column design.

- b) Part number 1607363 (January 4, 1999) "DIAM. OF HOLE FOR CENTER HUB ENLARGED". Part number 3176446 (November 11, 1999) was implemented to replace 1607363. Part number 3176446 (April 17, 2000) "ONLY DRAWING ADJUSTMENT - TOLERANCE CHANGE".
- c) Part number 1607363 (January 4, 1999) modified due to "ASSEMBLY ROBLEMS". Part number 3176446 (November 22, 1999) was released to replace 1607363 due to "PROBLEMS WITH THE PLUGS ON THE RING BREAKING, CAUSED BY FATIGUE. THIS MAKES THE RING LOOSEN FROM ITS POSITION".

# VOLVO

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Part number 3176446 (April 17, 2000) was revised due to "SUPPLIER CAN'T KEEP THE TOLERANCES ON THE SLITSES OF THE PLUGS".

- d) Part number 1607363 was the original part.
- e) Part number 3176446 replaced part number 1607363. Part number 20379336 did not replace part number 3176446.
- f) Part number 3176446 (November 11, 1999) was implemented to replace part number 1607363.
- g) On or about November 22, 1999.
- h) Part number 3176446 is a service replacement for part number 1607363.

## Request 15

15. Provide a copy of all inspection reports conducted by VTNA, VTNA's suppliers, sub-contractors or affiliates on turn signal canceller rings that had been removed from subject vehicles originally equipped with subject component and returned to VTNA.

## Response 15

There was not a separate "inspection report" done by persons other than dealer service personnel (see text of warranty claims) and test engineers (see Responses 16 and 17).

## Request 16

16. Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, "actions") that relate to, or may relate to, the alleged defect in the subject vehicles that have been conducted, are being conducted, are planned, or are being planned by, or for, VTNA. 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.

# **VOLVO**

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## **Response 16**

A test was completed to determine the level of force required to break either the TSCR insertion pins or horn contacts if they somehow jammed in the mechanism. The turn signal arm was actuated replicating right and left turn scenarios.

The steering wheel was rotated through approximately 180+ degrees allowing the tab on the TSCR to clear the turn signal reset tab. The direction of rotation of the steering wheel was then reversed, the turn signal arm held preventing cancellation of the turn signal. It was very difficult to create interference. During the testing, the TSCR never broke, only deformed.

The test was repeated using a TSCR that was only partially seated in the steering wheel hub causing the entire load to be carried by one insertion pin. The test was repeated with the same results.

Force readings were taken with a torque wrench. The recorded values are found in Exhibit 'C'.

It should be noted that in normal highway operation the tab on the TSCR is approximately 180 degrees opposite the cancellation tab on the turn signal. The interaction of the TSCR tab and turn signal tab occurs only after the turn signal switch has been activated, the steering wheel has been rotated through an arc of 180+ degrees and is being returned to the "straight ahead" position.

## **Request 17**

17. Provide a copy of VTNA Quality Journal "614-00014" that addressed the VTNA investigation of "the plastic ring mounted to the steering wheel."

## **Response 17**

Attached, as Exhibit "C" is a copy of Quality Journal Item 641-14.

## **Request 18**

18. Provide a copy of the test procedures that VTNA followed to develop the summary data provided as Exhibit "J" attached to VTNA's April 30, 2002 response to ODI Request for Information under PE01-041, "Steering locks-up, pulls, or binds."

# VOLVO

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**Response 18**

VTNA does not have a written procedure for this test.

**Request 19**

19. Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject vehicles, that VTNA has issued to any dealers, regional or zone offices, field offices, fleet purchasers, or other entities. This includes, but is not limited to, bulletins, advisories, informational documents, training documents, or other documents or communications, with the exception of standard shop manuals. Also include the latest draft copy of any communication that VTNA is planning to issue within the next 120 days.

**Response 19**

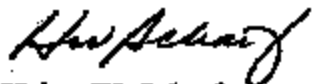
None.

Although not specifically requested, Mr. Tom Bowman had asked for actual parts to be sent that would provide further understanding of the TSCR and immediately surrounding components. Those parts are being collected and will be forwarded to Mr. Bowman separately.

Certain of the information supplied herein is the subject of an attached request for handling as Confidential Business Information pursuant to 49 CFR Part 512.

If you have any questions, please feel free to contact me.

Yours truly,



Heino W. Scharf  
Director, Product Assurance

MICHAEL ESSHER YAGGY  
michael.yaggy@piperudnick.com  
direct 410.580.4283 fax 410.580.3288

April 21, 2004

## VIA UPS OVERNIGHT

Office of Chief Counsel  
National Highway Traffic Safety Administration  
Room 5219 (NCC-113)  
400 Seventh Street, S.W.  
Washington, D.C. 20590

Re: **Turn Signal Cancellor Ring Investigation** [REDACTED]  
**Information Request: Your File: NVS-214gfb; PE04-014**

To the Chief Counsel:

Volvo Trucks North America ("VTNA") hereby requests that certain information submitted in response to NHTSA's Preliminary Evaluation NVS-214gfb; PE04-014 (the "Preliminary Evaluation") be treated as confidential business information pursuant to the terms and requirements of 49 C.F.R. 512. In response to Mr. Richard Boyd's request concerning a turn signal canceller ring equipped on certain Volvo models, VTNA has submitted a formal written response (dated March 25, 2004) with attached documents, including engineering drawings, test results, Customer Contact Reports (both the public and the redacted versions), the Quality Journal (both the public and redacted versions), and two CD-ROMs with requested information in Microsoft Access 2000 electronic format (one CD-ROM contains the confidential information, the other is the redacted public version). These documents are attached hereto as Exhibits A, B, C, and D.

### *A. Engineering Drawings*

As an initial matter, VTNA requests that the engineering drawings submitted in response to Request numbers 10 and 11 (drawing numbers 1607363, 3176446, 20398049, 8079441, and R100315 - attached hereto as Exhibit A) be permanently withheld from public disclosure as confidential commercial information. Pursuant to 49 CFR 512 Appendix B, engineering drawings "presumptively" result in substantial competitive harm if disclosed to the public. The engineering drawings submitted by VTNA are of turn signal canceller rings with varying retaining lug strength and compatibility, as well as of steering column assemblies used on various models. Therefore, information contained within these engineering drawings would

reveal to VTNA's competitors specific internal engineering, design, manufacturing and testing procedures. If disclosed to the public, this information could be used by competitors to change or improve their existing and/or future products. Furthermore, disclosure would allow competitors to benefit from the results of any design, manufacturing or component testing that VTNA spent considerable time and finances to develop and incorporate into their products.

VTNA actively seeks to keep the information contained in these engineering drawings confidential. The information contained within is not made available to any other person, company, or organization outside of VTNA's corporate umbrella. Additionally, these drawings reflect internal information and design that is limited to analysis by a restricted number of VTNA employees and conducted only on VTNA property. VTNA is not aware of any instances in which the engineering drawings have appeared publicly, or of any decisions by NHTSA or any other federal agencies or federal courts that have made prior determinations denying confidential treatment to the engineering drawings.

The engineering drawings are valuable trade secrets and commercial information which, if made available to the public, would likely result in substantial competitive harm to VTNA. This analysis is consistent with the statutory presumption that public disclosure of engineering drawings would result in substantial competitive harm. Accordingly, VTNA requests that the engineering drawings submitted on herewith in response to NHTSA's February 6, 2004 request for information be permanently withheld from public disclosure.

### *B. Customer and Dealer Contact Information*

In addition to the engineering drawings, VTNA requests that the names, addresses and contact information submitted to NHTSA in electronic format (that is, in Microsoft Access 2000 on CD-ROM) be permanently withheld from public disclosure as confidential commercial information. Furthermore, VTNA requests that the names, addresses and contact information contained within the copies of Customer Contact Reports (Report Numbers 24688, 25326, 26054 and 29353) that has been submitted to NHTSA be permanently withheld from public disclosure as confidential commercial information. In particular, VTNA refers to the names, addresses, and contact information related to customers and dealers of Volvo vehicles that are identified in the Customer Contact Reports, the Seibel database (in electronic format), and the electronic responses identified as "Request Number Three - Original Purchasers/Leasees of Subject Vehicles" and "Request Number Eight - Subject Vehicle Warranty Information - Claim Detail." These submissions are attached hereto in Exhibit B.

VTNA's listing of names, addresses and contact information of vehicle owners and dealers as submitted by VTNA in the electronic format and in the Customer Contact Reports is confidential commercial information. VTNA consistently treats information that includes its customer and dealer names, addresses and contact information as confidential commercial information and does not make such information known or available outside of the company.

VTNA is not aware of any instance in which such confidential commercial information has been publicly disclosed.

Public disclosure of the listing of names, addresses, and contact information of Volvo vehicle owners and dealers is likely to result in substantial competitive harm to VTNA. Disclosure of the names and contact information of the vehicle owners and dealers in the manner in which they are presented in the customer contact reports would provide competitors with information sufficient for them to identify and target VTNA's customers for specific marketing campaigns intended to encourage VTNA's customers to purchase competitors' products. Truck manufacturers devote considerable time and resources to promoting customer goodwill and developing customer loyalty, and consequently treat information regarding its customer base as protected, confidential commercial information. Disclosure of information that would enable competitors to identify VTNA's specific customers would be a great advantage to competitors' marketing efforts and would place VTNA at a competitive disadvantage.

On several recent occasions, VTNA has submitted confidentiality requests to NHTSA for confidential treatment of the customers' names and information that was submitted to NHTSA in response to information requests. In its response to VTNA's requests, NHTSA has concluded that "the release of this information is likely to cause substantial competitive harm to VTNA and, therefore, that the information is entitled to confidential treatment pursuant to Exemption 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4)." VTNA has attached as Exhibits 3, 4, 5, and 6 the June 3, 2002, October 21, 2002, January 8, 2003 and November 14, 2003 letters from Heidi L. Coleman of NHTSA to Michael Yaggy.

In addition to VTNA's customer and dealer names and addresses being protected from disclosure as confidential commercial information, VTNA's customers deserve independent protection from the disclosure of their names because such disclosure would violate their privacy rights. VTNA has previously submitted a confidentiality request to NHTSA for confidential treatment of the vehicle identification numbers and owners' names of its vehicles submitted to NHTSA that were the subject of a recall. In its response to VTNA's request, NHTSA decided that "the names of the owners of the vehicles involved in the Recall Program are entitled to protection pursuant to Exemption 6 of the Freedom of Information Act, 5 U.S.C. § 552 (b)(6), because their release would constitute an unwarranted invasion of personal privacy to the persons who would be identified." VTNA has attached the January 16, 2002 letter from Heidi L. Coleman of NHTSA to Michael Yaggy as Exhibit 7.

Accordingly, VTNA requests that the listings of the names, addresses, and contact information of vehicle owners and dealers contained in the materials submitted to NHTSA in electronic format and in the Customer Contact Reports be permanently withheld from public disclosure because such information is VTNA's confidential business information and disclosure would violate the owners' privacy rights.

### *C. Test Results*

VTNA also requests that the test results relating to the turn signal canceller ring submitted in response to Mr. Richard Boyd's request, titled "Flasher Reset Measurements," (attached hereto as Exhibit C) be treated as confidential information pursuant to the terms and requirements of 49 C.F.R. 512. Specifically, the Flasher Reset Measurements encompass the recorded force reading values following a test to determine the level of force required to break either the turn signal canceller ring insertion pins or horn contacts if they somehow jammed in the mechanism.

The test results contains confidential information that would reveal trade secrets and commercial information to VTNA's competitors with respect to its internal engineering, design, manufacturing, and testing procedures. Furthermore, the test results relate to specific components on VTNA vehicles that would enable VTNA competitors to identify VTNA design and engineering decisions. The engineering analysis and testing results will put VTNA at a significant competitive disadvantage as VTNA's competitors could use such information to change or improve their existing and/or future products. Moreover, the disclosure of any testing result or analysis of particular vehicle components would also allow competitors to benefit from the results of any design, manufacturing, or component testing that VTNA spent considerable time and finances to develop and incorporate into their products.

VTNA takes great measures to ensure the confidentiality of information contained within the test result documents submitted to NHTSA. Accordingly, the information contained within these test result documents are not disclosed or made available to any other person, company or organization outside of VTNA's corporate umbrella. Along the same lines, these test result documents reflect internal information and discuss testing and design that is limited to analysis by a restricted number of VTNA employees and conducted only on VTNA property.

VTNA is a leader in the sales of premium, heavy duty highway tractors. Competitors who would have detailed knowledge of VTNA's design and manufacturing analysis with respect to specific components could adapt their own engineering or design plans to focus on those areas where VTNA is weak and or modify their plans in those areas where VTNA is strong. Disclosure of these test results are commercially valuable because competitors would gain substantial information regarding the performance of VTNA systems. Accordingly, VTNA seeks confidential treatment of the test results entitled "Flasher Reset Measurements."

### *D. Quality Journal Item - Employee Names*

In further response to Mr. Richard Boyd's request concerning a turn signal canceller ring equipped on certain Volvo models, VTNA has submitted copies of "Quality Journal" Item 641-14 (attached hereto as Exhibit D). VTNA hereby requests that the names of the VTNA employees identified in the Quality Journal be permanently withheld from public disclosure as

confidential business information. The Quality Journal refers to internal testing and investigation of the plastic ring mounted to the steering wheel. In particular, confidential VTNA business information with respect to testing and alternative materials are identified, as well as the identities of the VTNA employees responsible for such testing and investigations into alternative designs. Public disclosure of the employees names will put VTNA at a significant competitive disadvantage as VTNA's competitors could use the identities of essential VTNA employees in a manner that would be adverse to VTNA. Such identifications could be used to target those employees and encourage them to disclose internal VTNA information, or could otherwise provide competitors with information regarding VTNA's design process based on the areas of expertise for these employees.

In addition to VTNA's employee names being protected from disclosure as confidential information, VTNA's employees deserve independent protection from the disclosure of their names because such disclosure would constitute an unwarranted invasion of personal privacy to the persons who would be identified.

Accordingly, VTNA requests that the names of employees contained within the Quality Journal be permanently withheld from public disclosure because the names are VTNA's confidential business information and disclosure would violate the employees' privacy rights.

VTNA has attached as Exhibits 1 and 2 the certificates of Heino Scharf, in support of the above requests for confidential treatment.

Respectfully,

  
Michael Esther Yaggy

MEY/dp  
Enclosures

cc: Richard Boyd  
Office of Defects Investigation (redacted version only)

**PIPER RUDNICK**

**5/14/04**

**LETTER TO ODI WITH**

**ATTACHMENT 1, 2, 3, 4, 5, 6, 7,  
A, B, C, & D**

**PIPER RUDNICK**

**5/14/04**

**LETTER TO ODI WITH**

**ATTACHMENT 1,**

## CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, Heino W. Scharf, pursuant to the provisions of 49 C.F.R. 512, state as follows:

- (1) I am Director, Product Assurance of Volvo Trucks North America, Inc., and I am authorized by Volvo Trucks North America, Inc., to execute documents on its behalf;
- (2) The information submitted to NHTSA by letter dated March 25, 2004 by Volvo Trucks North America, Inc. in response to Mr. Richard Boyd's request, relative to the Turn Signal Cancellor Ring investigation, NVS-214gb; PE04-014, is confidential and proprietary data and is being submitted with the claim that it is entitled to confidential treatment under 5 U.S.C. § 522(b)(4);
- (3) I have personally inquired of the responsible Volvo Trucks North America, Inc., personnel who have authority in the normal course of business to release the information for which a claim of confidentiality has been made to ascertain whether such information has ever been released outside Volvo Trucks North America, Inc.;
- (4) Based upon such inquiries, to the best of my knowledge, information, and belief, the information for which Volvo Trucks North America, Inc., has claimed confidential treatment has never been released or become available outside Volvo Trucks North America, Inc.;
- (5) I make no representations beyond those contained in this certificate and in particular, I make no representations as to whether this information may become available outside Volvo Trucks North America, Inc., because of unauthorized or inadvertent disclosure except as stated in Paragraph 4; and
- (6) I certify under penalty of perjury that the foregoing is true and correct. Executed on this the 21<sup>st</sup> day of April 2004.

  
\_\_\_\_\_  
Heino W. Scharf  
Director, Product Assurance  
Volvo Trucks North America, Inc.

**PIPER RUDNICK**

**5/14/04**

**LETTER TO ODI WITH**

**ATTACHMENT 2**

## SUPPLEMENTAL CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, Heino W. Scharf, pursuant to the provisions of 49 C.F.R. 512, state as follows:

(1) I am Director, Product Assurance of Volvo Trucks North America, Inc. ("VTNA"), and I am authorized by VTNA to execute documents on its behalf.

(2) The information submitted to NHTSA by letter dated March 25, 2004 by Volvo Trucks North America, Inc. in response to Mr. Richard Boyd's request, relative to the Turn Signal Cancellor Ring investigation, NVS-214gfb; PE04-014, is confidential and proprietary data, and protected as confidential commercial information.

(3) Specifically, there are four separate disclosures by VTNA which should be treated as confidential commercial information. The first, as explained below in paragraphs 4-11, is a request for confidential treatment for the engineering drawings submitted to NHTSA. The second, as explained below in paragraphs 12-21, is a request for confidential treatment of the names, addresses and contact information for customers and dealers that was submitted to NHTSA in electronic format, and in copies of Customer Contact Reports. The third, as explained in paragraphs 22-24 is a request for confidential treatment of test results submitted to NHTSA. The fourth, as explained below in paragraphs 25-27, is a request for confidential treatment of the names of VTNA employees identified in the Quality Journal.

(4) The information contained within the engineering drawings relate to turn signal canceller rings with varying retaining lug strength and compatibility, as well as steering column assemblies used on various models. Disclosure of the information contained within the engineering drawings would reveal to VTNA's competitors specific internal engineering, design, manufacturing and testing procedures. If disclosed to the public, this information could be used by competitors to change or improve their existing and/or future products. Furthermore, disclosure would allow competitors to benefit from the results of any design, manufacturing or component testing that VTNA spent considerable time and finances to develop and incorporate into their products.

(5) VTNA is a leader in the sales of premium, heavy duty highway tractors. If the confidential information contained in the engineering drawings were made available to the public, VTNA's competitors could adopt their own engineering or design plans to focus on those areas where VTNA is weak and/or modify their plans in those areas where VTNA is strong.

(6) VTNA actively seeks to keep the information contained in these engineering drawings confidential. The information contained within is not made available to any other person, company, or organization outside of VTNA's corporate umbrella. Additionally, these drawings reflect internal information and design that is limited to analysis by a restricted number of VTNA employees and conducted only on VTNA property.

(7) VTNA is not aware of any instances in which information contained within the engineering drawings have appeared publicly.

(8) VTNA is not aware of any decisions by NHTSA or any other federal agencies or Federal courts that have made prior determinations denying confidential treatment to the submitted drawings or to similar information.

(9) The confidential information contained in the engineering drawings are valuable trade secrets and commercial information which, if made available to the public, is likely to result in substantial competitive harm to VTNA.

(10) VTNA believes that vehicle manufacturers often voluntarily submit information to NHTSA that contains potential trade secret and/or commercial information in formats similar to the engineering drawings submitted by VTNA in response to the subject request. VTNA believes that if NHTSA decides to routinely disclose such trade secret or commercial information, such disclosures are likely to impair NHTSA's ability to obtain similar information in the future. All vehicle manufacturers value maintaining the confidentiality of their design, engineering, manufacturing, and testing results and procedures, and they are likely to restrict themselves from making such information available to NHTSA voluntarily.

(11) The value and importance of maintaining the confidentiality of the information contained in the engineering drawings does not lend itself to analysis through objective data.

(12) In addition, information submitted to NHTSA in electronic format and in copies of Customer Contact Reports, by letter dated March 25, 2004 by VTNA, in response to Mr. Richard Boyd's request, contains the customer's and dealer's name, address, contact information and the type of vehicle the customer owns. If NHTSA makes this information available to the public, VTNA could suffer substantial economic and competitive harm because this information would provide VTNA's competitors valuable marketing information. VTNA's competitors could use this information in targeted marketing efforts to locate VTNA's customers and sell them comparable vehicles based on what they have learned from such disclosure.

(13) VTNA has taken the following measures to ensure that its customers' and dealers' names and addresses have not been disclosed or otherwise made available to any person, company, or organization other than a limited number of VTNA employees.

- a. VTNA's customer contact reports and Seibel database are maintained on a password-secured VTNA mainframe computer.
- b. VTNA provides the password and access to its customer contact reports and Seibel database to a limited number of VTNA employees whose work duties require access to such information.

(14) The names and addresses of VTNA's customers and dealers, as presented in the same or similar manner as provided to NHTSA by VTNA in electronic format and in copies of Customer Contact Reports, by letter dated March 25, 2004, have not been disclosed, or otherwise become available, to individuals or entities other than VTNA.

(15) VTNA is not aware of any instances in which its customers' and dealers' names, addresses, and contact information has appeared publicly.

(16) VTNA is not aware of any decisions by NHTSA or any other Federal agencies or Federal courts that have made prior determinations denying confidential treatment to the submitted information, or similar information. On several recent occasions, VTNA submitted confidentiality requests to NHTSA for confidential treatment of the owners' names and information that was submitted to NHTSA in response to information requests. In its response to VTNA's requests, NHTSA has concluded that "the release of this information is likely to cause substantial competitive harm to VTNA and, therefore, that the information is entitled to confidential treatment pursuant to Exemption 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4)." VTNA has attached as Exhibits 3, 4, 5 and 6, the June 3, 2002, October 21, 2002, January 8, 2003, and November 13, 2003 letters from Heidi L. Coleman of NHTSA to Michael Yaggy.

(17) In addition, VTNA has previously submitted a confidentiality request to NHTSA for confidential treatment of the vehicle identification numbers and owners' names of its vehicles submitted to NHTSA that were the subject of a recall. In its response to VTNA's request, NHTSA decided that "the names of the individual owners of the vehicles involved in NHTSA's review of the noncompliance notification are entitled to protection pursuant to Exemption 6 of the Freedom of Information Act, 5 U.S.C. § 552(b)(6), because their release would constitute an unwarranted invasion of personal privacy to the person who would be identified." VTNA has attached as Exhibit 7, the October 21, 2002 letter from Heidi L. Coleman of NHTSA to Michael Yaggy.

(18) The disclosure of VTNA's customer and dealer names and addresses in its customer contact reports is likely to result in substantial competitive harm to VTNA. Disclosure of the names of the vehicle owners and the identity of the dealer, in conjunction with the location of the owner and the type of truck the owner drives, would provide competitors with information sufficient for them to identify and target VTNA's customers for specific marketing campaigns intended to encourage VTNA's customers to purchase competitors' products. Truck manufacturers devote considerable time and resources to promoting customer goodwill and developing customer loyalty, and consequently treat information regarding their customer base as protected, confidential commercial information. Disclosure of information that would enable competitors to identify VTNA's specific customers would be a great advantage to competitors' marketing efforts and would place VTNA at a significant competitive disadvantage. Although the number of customer names being disclosed in this particular instance may not appear significant to NHTSA, some of these customers are fleet owners and represent a substantial number of vehicles from VTNA's perspective.

(19) VTNA believes that vehicle manufacturers often voluntarily submit information to NHTSA that contains customer names, addresses, and vehicle types in formats similar to VTNA's recent submission. VTNA believes that if NHTSA decides to routinely disclose customer information, such disclosures are likely to impair NHTSA's ability to obtain similar information in the future. All vehicle manufacturers value maintaining the confidentiality of

their customer information, and they are likely to restrict themselves from making such information available to NHTSA voluntarily.

(20) The disclosure of customer names is likely to impair other protectable government interests, such as the government's interest in maintaining the personal privacy of its citizens. As NHTSA has previously recognized, the government has an interest in maintaining its citizens' privacy, and does so in part through the Freedom of Information Act.

(21) The value and importance of maintaining the confidentiality of VTNA's customers' and dealers' names, addresses, and vehicle types in the form submitted to NHTSA does not lend itself to analysis through objective data.

(22) Additionally, the information contained within the test results relating to the turn canceller ring, submitted in response to Mr. Richard Boyd's request, titled "Flasher Reset Measurements," contains trade secrets and commercial information relating to internal engineering, design, manufacturing, and testing procedures. If NHTSA makes this information available to the public, VTNA will be at a significant competitive disadvantage as VTNA's competitors could use such information to improve or change their existing and/or future products. Furthermore, disclosure would allow competitors to benefit from the results of any design, manufacturing, or component testing that VTNA spent considerable time and finances to develop and incorporate into their products.

(23) VTNA takes great measures to ensure the confidentiality of information contained within their test result documents. The information contained within these test result documents are not disclosed or made available to any person, company or organization outside of VTNA's corporate umbrella. Additionally, these test result documents reflect internal information, testing and design that is limited to analysis by a restricted number of VTNA employees and conducted only on VTNA property.

(24) VTNA's competitors who have detailed knowledge of VTNA's design and manufacturing analysis with respect to specific components could adapt their own engineering or design plans to focus on those areas where VTNA is weak or modify their plans in those areas where VTNA is strong. Disclosure of these test results are commercially viable because competitors would gain substantial information regarding the performance of VTNA systems.

(25) In addition, the information submitted to NHTSA in response to Mr. Richard Boyd's request, entitled the "Quality Journal," contains the names of specific key employees of VTNA who were involved in the testing of the turn signal canceller ring on certain VTNA vehicles. If NHTSA makes the names of specific key VTNA employees available to the public, competitors of VTNA could use these identities in a manner that would be adverse to VTNA.

(26) VTNA's competitors could use the identities of key VTNA employees in connection with the testing of the turn signal canceller ring to target those employees and encourage them to disclose internal VTNA information. In addition, disclosure of these identities could provide competitors with information regarding VTNA's design process based on the areas of expertise for these employees.

(27) The disclosure of employee names is likely to impair other protectable government interests, such as the government's interest in maintaining the personal privacy of its citizens. As NHTSA has previously recognized, the government has an interest in maintaining its citizens' privacy, and does so in part through the Freedom of Information Act.

(28) I certify under penalty of perjury that the foregoing is true and correct. Executed on this the 21<sup>st</sup> day of April, 2004.

  
Heino W. Schar  
Director, Product Assurance  
Volvo Trucks North America, Inc.

**PIPER RUDNICK**

**5/14/04**

**LETTER TO ODI WITH**

**ATTACHMENT 3**



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

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

JUN - 3 2002

Michael Esber Yaggy  
Piper Rudnick  
6225 Smith Avenue  
Baltimore, MD 21209-3600

RE: Confidentiality Determination/EA01-001/NSA122gtb

Dear Mr. Yaggy:

This is in response to your letter dated April 10, 2002, in which you request on behalf of Volvo Trucks North America, Inc. ("VTNA") confidential treatment for bracketed portions of Exhibit A. You state that Exhibit A contains a listing of vehicle owners in VTNA's customer contacts reports. You request confidential treatment for this information permanently.

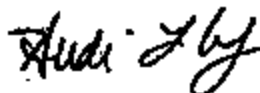
You assert that public disclosure of vehicle owners in VTNA's customer contacts report is likely to result in substantial competitive harm to VTNA. You assert that the disclosure of the names of the vehicle owners in the manner in which they are presented in the customer contact reports would provide competitors with information sufficient for them to identify and target VTNA's customers for specific marketing campaigns intended to encourage VTNA's customers to purchase competitors' products. In addition, you assert that truck manufacturers devote considerable time and resources to promoting customer good will and developing customer loyalty, and consequently treat information regarding its customer base as protected, confidential commercial information. Finally, you assert that disclosure of information that would enable competitors to identify VTNA's specific customers would be a great advantage to competitors' marketing efforts and would place VTNA at a competitive disadvantage.

We have reviewed your submission, including the documents that you claim are entitled to confidential treatment and the arguments that you assert in support of your claim. The bracketed information in Exhibit A includes the names of companies that have purchased VTNA trucks and represents a VTNA customer list. I have concluded based upon your submission as a whole that this information is likely to cause substantial competitive harm to VTNA and, therefore, that the information is entitled to confidential treatment pursuant to Exemption 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4). The materials will be protected for an indefinite period time.

This grant of confidential treatment is subject to certain conditions since the information was submitted pursuant to a rulemaking action of the agency. The confidential information may be disclosed to the public under the authority of 49 U.S.C. § 30167(a)(4) and 49 C.F.R. § 512.9(a)(1), upon a finding by the agency that such information is necessary to effect the purposes of the National Traffic and Motor Vehicle Safety Act.

In addition, the information may also be disclosed under 49 C.F.R. § 512.8, based upon newly discovered or changed facts, and you must inform the agency of any changed circumstances that may affect the protection of the information (49 C.F.R. § 512.4(i)). Prior to the release of information under 49 C.F.R. § 512.8 or § 512.9, you would be notified in accordance with the procedures established by our regulations.

Sincerely,



Heidi L. Coleman  
Assistant Chief Counsel  
for General Law

**PIPER RUDNICK**

**5/14/04**

**LETTER TO ODI WITH**

**ATTACHMENT 4**

OCT 24 2002



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

OCT 21 2002

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

Michael Esber Yaggy  
Piper Rudnick LLP  
6225 Smith Avenue  
Baltimore, MD 21209-3600

RE: Confidentiality Determination/AQ02-001/NSA-11rjs

Dear Mr. Yaggy:

This is in response to your letter dated June 27, 2002, in which you request on behalf of Volvo Trucks North America, Inc. ("VTNA") confidential treatment for bracketed portions of Exhibit A. You state that Exhibit A contains a listing of vehicle owners in VTNA's customer contacts reports. You request confidential treatment for this information permanently.

You assert that public disclosure of vehicle owners in VTNA's customer contacts reports is likely to result in substantial competitive harm to VTNA. You assert also that the disclosure of the names of the vehicle owners in the manner in which they are presented in the customer contact reports would provide competitors with information sufficient for them to identify and target VTNA's customers for specific marketing campaigns intended to encourage VTNA's customers to purchase competitors' products. In addition, you assert that truck manufacturers devote considerable time and resources to promoting customer good will and developing customer loyalty, and consequently treat information regarding its customer base as protected, confidential commercial information. You assert that disclosure of information that would enable competitors to identify VTNA's specific customers would be a great advantage to competitors' marketing efforts and would place VTNA at a competitive disadvantage. Finally, you assert that VTNA's customers deserve independent protection from the disclosure of their names because such disclosure would violate their privacy rights.

We have reviewed your submission, including the documents that you claim are entitled to confidential treatment and the arguments that you assert in support of your claim. The bracketed information in Exhibit A includes the names of companies that have purchased VTNA trucks and represent a VTNA customer list. While I have not reached a



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888-927-4238

conclusion regarding each individual argument that you assert, I have concluded based upon your submission as a whole that the release of the company names is likely to cause substantial competitive harm to VTNA and, therefore, that the information is entitled to confidential treatment pursuant to Exemption 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4) because the information would reveal VTNA's customer lists. The materials will be protected for an indefinite period time.

With respect to individuals listed in Attachment A, I have concluded that the names of the individual owners of the vehicles involved in NHTSA's review of the noncompliance notification are entitled to protection pursuant to Exemption 6 of the Freedom of information Act, 5 U.S.C. §552(b)(6), because their release would constitute an unwarranted invasion of personal privacy to the persons who would be identified. This information will be protected for an indefinite period of time. However, if the agency determines that this information is no longer entitled to protection, the agency will be at liberty to place this information in the public file.

The grant of confidential treatment under exemption 4 is subject to certain conditions since the information was submitted pursuant to a defect investigation. The information may be disclosed to the public under the authority of 49 U.S.C. § 30167(b) and 49 C.F.R. § 512.9(a)(2), if the agency decides the disclosure will assist in carrying out the purposes of the National Traffic and Motor Vehicle Safety Act.

In addition, the information may be disclosed under 49 C.F.R. § 512.8, based upon newly discovered or changed facts, and you must inform the agency of any changed circumstances that may affect the protection of the information (49 C.F.R. § 512.4(i)). Prior to the release of information under 49 C.F.R. § 512.8 or § 512.9, you would be notified in accordance with the procedures established by our regulations.

Sincerely,



Heidi L. Coleman  
Assistant Chief Counsel

**PIPER RUDNICK**

**5/14/04**

**LETTER TO ODI WITH**

**ATTACHMENT 5**

G. JACKSON  
JAN 14 2003



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

JAN - 8 2003

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

Michael Esher Yaggy  
Piper Rudnick LLP  
6225 Smith Avenue  
Baltimore, MD 21209-3600

RE: Confidentiality Determination/AQ01-002/NSA-11rjs

Dear Mr. Yaggy:

This is in response to your letter dated November 19, 2002, in which you request on behalf of Volvo Trucks North America, Inc. ("VTNA") confidential treatment for the names and addresses of vehicle owners contained in customer contact reports related to vehicle safety recalls 00V-246, 01V-139, and 02V-037. You request confidential treatment for this information permanently.

You assert that public disclosure of the listing of vehicle owners' names and addresses in VTNA's customer contact reports "is likely to result in substantial competitive harm to VTNA." You assert also that the disclosure of the names of the vehicle owners "in the manner in which they are presented in the customer contact reports would provide competitors with information sufficient for them to identify and target VTNA's customers for specific marketing campaigns intended to encourage VTNA's customers to purchase competitors' products." In addition, you assert that truck manufacturers "devote considerable time and resources to promoting customer goodwill and developing customer loyalty, and consequently treat information regarding its customer base as protected, confidential commercial information." You assert that "[d]isclosure of information that would enable competitors to identify VTNA's specific customers would be a great advantage to competitors' marketing efforts and would place VTNA at a competitive disadvantage." Finally, you assert that "VTNA's customers deserve independent protection from the disclosure of their names because such disclosure would violate their privacy rights."

We have reviewed your submission, including the documents that you claim are entitled to confidential treatment and the arguments that you assert in support of your claim. The customer contact reports include the names of companies that have purchased VTNA



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888-827-4238

trucks and represent a VTNA customer list. While I have not reached a conclusion regarding each individual argument that you assert, I have concluded based on your submission as a whole that the release of the company names is likely to cause substantial competitive harm to VTNA and, therefore, that the information is entitled to confidential treatment pursuant to Exemption 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4) because the information would reveal VTNA's customer lists. The materials will be protected for an indefinite period time.

This grant of confidential treatment under Exemption 4 is subject to certain conditions since the information was submitted pursuant to a defect investigation. The information may be disclosed to the public under the authority of 49 U.S.C. § 30167(b) and 49 C.F.R. § 512.9(a)(2), if the agency decides the disclosure will assist in carrying out the purposes of the National Traffic and Motor Vehicle Safety Act.

In addition, the information may be disclosed under 49 C.F.R. § 512.8, based upon newly discovered or changed facts, and you must inform the agency of any changed circumstances that may affect the protection of the information (49 C.F.R. § 512.4(i)). Prior to the release of information under 49 C.F.R. § 512.8 or § 512.9, you would be notified in accordance with the procedures established by our regulations.

Sincerely,



*HC*  
Heidi L. Coleman  
Assistant Chief Counsel

**PIPER RUDNICK**

**5/14/04**

**LETTER TO ODI WITH**

**ATTACHMENT 6**



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

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

JAN 16 2002

Michael Esler Yaggy  
Piper Marbury Rudnick & Wolfe LLP  
6225 Smith Avenue  
Baltimore, MD 21209-3600

RE: Confidentiality Determination/Volvo Truck Recall No. RVXX0103

Dear Mr. Yaggy:

This is in response to your letter dated September 20, 2001, in which you request on behalf of Volvo Trucks North America, Inc. ("VTNA") confidential treatment for a listing of Vehicle Identification Numbers (VINs) and the names of owners of vehicles involved in the Recall Program identified above. You request confidential treatment for this information permanently.

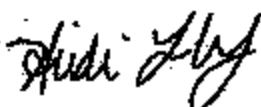
You assert that public disclosure of the listing of VINs for vehicles involved in the campaign would be likely to result in substantial competitive harm to VTNA. You assert also that disclosure of the VINs involved in the Recall Campaign would provide competitors with information sufficient for them to identify and target VTNA's customers for specific marketing campaigns intended to encourage VTNA's customers to purchase competitors' products. In addition, you assert that truck manufacturers devote considerable time and resources to promoting customer good will and developing customer loyalty and, consequently, treat information regarding its customer base as protected, confidential commercial information. Finally, you assert that disclosure of information that would enable competitors to identify VTNA's specific customers would be a great advantage to competitors' marketing efforts and would place VTNA at a competitive disadvantage.

We have reviewed your submission, including the documents that you claim are entitled to confidential treatment and the arguments that you assert in support of your claim. While I disagree that the release of this information would cause VTNA competitive harm, I have concluded that the VINs, and the names of the owners of the vehicles involved in the Recall Program are entitled to protection pursuant to Exemption 6 of the Freedom of Information Act, 5 U.S.C. §552(b)(6), because their release would constitute an unwarranted invasion of personal privacy to the persons who would be identified. This information will be protected for an indefinite period of time.

If the agency determines that this information is no longer entitled to protection, the agency will be at liberty to place this information in the public file.

If you disagree with this determination, you may request reconsideration. The request for reconsideration must be submitted with written justification and the certification required by 49 C.F.R. §512.4(e) within 10 working days after your receipt of this letter. Such justification must show the particular competitive harm to your company from the disclosure of the information for which confidentiality has been denied (49 C.F.R. §512.4(b)(3)) and contain any legal arguments and citations upon which you rely. Should we receive no justification within the required period of time, your submitted information will be treated, as described above.

Sincerely,



Heidi L. Coleman  
Assistant Chief Counsel  
for General Law

**PIPER RUDNICK**

**5/14/04**

**LETTER TO ODI WITH**

**ATTACHMENT 7**



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

NOV 14 2003

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

Michael Escher Yaggy, Esq.  
Piper Rudnick  
6225 Smith Avenue  
Baltimore, MD 21209

Re: Confidentiality Determination/PE01-042

Dear Mr. Yaggy:

This is in response to your letter dated September 2, 2003, in which you request confidential treatment for certain materials submitted by Volvo Trucks North America (VTNA) in response to a National Highway Traffic Safety Administration (NHTSA) Information Request pertaining to the above-captioned matter. You request that the materials be granted confidential treatment but do not indicate how long you wish the materials to remain confidential.

The materials for which you request confidential treatment are contained in three attachments to your letter. The first contains VTNA documents regarding post-assembly maintenance requirements for the subject vehicles. The second document is complete copy of an internal report documenting the findings of VTNA endurance testing. The third document is a compilation of VTNA reports of customer complaints and concerns related to the performance of the subject vehicles. VTNA indicates release of the information contained in the submission would provide competitors with detailed insights into the design choices, system architecture and performance of powertrain management systems developed at significant cost to VTNA. Your letter also indicates that the aforementioned information, if disclosed, would cause VTNA to suffer substantial competitive harm.

I have decided to grant VTNA confidential treatment for these materials.

The information submitted was requested pursuant to 49 USC § 30166, which authorizes the agency to conduct investigations and require manufacturers to submit reports. Therefore, because the information was not submitted voluntarily, I have reviewed your submission under the competitive harm standard set forth in *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974).



DOT AUTO SAFETY HOTLINE  
888-DASH-8-DOT  
888-327-4238

I have decided to grant confidential protection for the information VTNA claims is entitled to confidential treatment. The materials at issue depict VTNA's processes and decision-making regarding product evaluation, maintenance procedures, product performance and analysis and resolution of customer complaints. Release of this information would, as your letter suggests, provide VTNA's competitors with substantial insight into VTNA's internal priorities, product evaluation methodologies and problem resolution at little or no expense. This information, if revealed, could cause competitive harm to VTNA.

This grant of confidential treatment is indefinite. However, it is also subject to the various provisions of Part 512 that specify the circumstances under which otherwise confidential information can be disclosed.

This grant of confidential treatment is subject to certain conditions. The information may be disclosed under 49 CFR § 512.22 based upon newly discovered or changed facts, and you must inform the agency of any changed circumstances that may affect the protection of the information (49 CFR § 512.10). If necessary, you will be notified prior to the release of any information under the procedures established by our regulations (49 CFR § 512.22(b)).

Sincerely,



Otto G. Matheke, III  
Staff Attorney

**PIPER RUDNICK**

**5/14/04**

**LETTER TO ODI WITH**

**ATTACHMENT A**

**ENTIRE  
DOCUMENT  
REDACTED**

**PIPER RUDNICK**

**5/14/04**

**LETTER TO ODI WITH**

**ATTACHMENT B**

CUSTOMER CONTACT REPORT

Report Number 24688

Creator Name UT01467

Serial

Dealer 5222D

Userid

Ending Serial 00000

Custname

Model Desc

Report Type R

Address

Model

Report Start 1998/08/26

Report Date Revised 1998/08/26

State

VIN

Country

Customer Claim Text

Text Revised 1998-08-26

Claim 1

Goodwill 1 DLR VISIT 8/21/98

Claim 2

Goodwill 2

Claim 3

Goodwill 3

Claim 4

Goodwill 4

- 1 VISITED DEALER TO START WORKING WITH [REDACTED] WHO IS TAKING OVER
- 2 SINCE [REDACTED] HAS LEFT. WILL TAKE SOME TIME FOR THINGS TO SETTLE
- 3 DOWN AND WE KNOW HOW EACH OTHER WORKS. WORKED WITH [REDACTED] TO
- 4 CLOSE OUT ANY OLD STUFF SO WE CAN START FRESH. DEALER HAD 770 OUT ON T
- 5 HE FRONT LINE WITH THE MULTI-COLORED PAINT JOB. IT DOESN'T LOOK GOOD.
- 6 DEALER IS STILL PUSHING TO HAVE TRK RETURNED TO PLANT FOR REPAINT.
- 7 WILL DISCUSS WITH GROUP NEXT WEEK WHEN AT NRV.

CUSTOMER CONTACT REPORT

Report Number 25326

Creator Name UT91455

Serial

Dealer 1683D

Userid 7720EDQC

Ending Serial

Customer

Model Desc

Report Type S

Address

Model VNL64T

Report Start 1998/09/25

Report Date Revised 1998/09/25

State

VIN 4V07DEF2WN

Country

Customer Claim Text

Text Revised 1998-09-25

Claim 1

Goodwill 1 FLASHER RING

Claim 2

Goodwill 2

Claim 3

Goodwill 3

Claim 4

Goodwill 4

- 1 I WAS CALLED TO HELP RESOLVE A CONCERN ON UNITS OPERATED BY
- 2 OWNED BY THE TAB THAT CANCELS THE TURN SIGNAL B
- 3 BRAKES OFF. THIS HAS RESULTED IN THE BROKEN TAB GETTING LODGED IN THE
- 4 TUBE. THIS TAB IS PLASTIC IT BRAKES UP AS THE WHEEL IS TURNED BACK
- 5 AND FORTH. THE RESULT IS NO HORNS, BOTH CITY AND AIR HORN ARE OPER-
- 6 ATED FROM THE STEERING WHEEL. AFTER DISCUSSION WITH RELIABILITY
- 7 AND I HAVE INSTRUCTED AS A STOP GAP RESPONSE, TO
- 8 REMOVE THE FLASHER RING. THIS WILL RESULT IN THE TURN SIGNAL NOT
- 9 SELF CANCELING ABILITY. IN ADDITION THE CONTACTS FOR THE "HORNS" RE-
- 10 QUIRES TO BE REPLACED IF THIS HAPPENS. ONE OF THE TWO ARE IN THE
- 11 "SERVICEPARTS" SYSTEM, THE ONE FOR THE CITY HORN, 3091803, THE OTHER
- 12 IS NOT. TOLD ME HE WOULD LOOK INTO SETTING THIS PART UP
- 13 IN THE AFTERMARKET SYSTEM. ALSO SPOKE WITH
- 14 PRODUCT REPORT #98006598

CUSTOMER CONTACT REPORT

Report Number 26054

Creator Name UT00214

Serial

Dealer 5633D

User

Ending Serial

Customer Name

Model Desc

Report Type R

Address

Model VNB464T

Report Start 1998/11/02

Report Date Revised 1998/11/02

State

VIN 4VG7DEP77XN

Country

Customer Claim Text

Text Revised 1998-11-02

Claim 1

Goodwill 1 WRECK INVESTIGATE

Claim 2

Goodwill 2

Claim 3

Goodwill 3

Claim 4

Goodwill 4

- 1 10/30/98 RESPONDING TO CALL FROM [REDACTED] REGARDING WRECKED VN LISTED ABOVE
- 2 E. TRUCK AT [REDACTED] TRUCK HAD RUN OFF ROAD WITH LOADE
- 3 D TRAILER FULL OF MEAT. DRIVER CLAIMED STEERING FAILURE. MEET [REDACTED]
- 4 [REDACTED] MAN [REDACTED] FROM [REDACTED] AND WENT OVER TRUCK. ONE CONCERN WAS
- 5 THAT TURN SIGNAL SELF-CANCELER HAD BROKEN AND JAMMED STEERING WHEEL.
- 6 REVIEW TRUCK FOR ANY SIGN OF FAILED AXLE OR STEERING COMPONENT AND FOU
- 7 ND NONE. THEN REMOVED STEERING SHAFT FROM GEAR AND TURNED TO SEE IF AN
- 8 Y BIND AT WHEEL. THEN SET TURN SWITCH IN BOTH DIRECTIONS LEFT & RIGHT
- 9 TURN CANCELER WAS WORKING IN BOTH DIRECTIONS AND NO BIND FROM WHEEL.
- 10 TRUCK WAS TO BE MOVED TO [REDACTED] FOR REPAIR FIRST
- 11 PART OF WEEK OF 11/02. [REDACTED] HAD STATED THAT IF INSURANCE CO. WANTED TO
- 12 LOOK DEEPER INTO CAUSE THAT GEAR AND PUMP WOULD BE AVAILABLE FOR REMOVE
- 13 AL WHILE AT REPAIR SHOP. TOLD [REDACTED] WOULD BE READY FOR ANY HELP REQUR
- 14 ED TO GET GEAR AND OR PUMP SENT OFF TO WHAT EVER LOCATION THAT WAS
- 15 TO BE DETERMINED.

CUSTOMER CONTACT REPORT

Report Number 29353

Creator Name UT0914

Serial

Dealer 5333D

Userid 77720CRT

Ending Serial

Customer

Model Desc VNL64T

Report Type R

Address

Model VNL64T

Report Start 1999/04/26

Report Date Revised 1999/04/26

State

VIN 4VG7DARH1XN

Country

Customer Claim Text

Text Revised 1999-04-26

Claim 1

Goodwill 1 CUSTOMER VISIT-4/21/99

Claim 2

Goodwill 2

Claim 3

Goodwill 3

Claim 4

Goodwill 4

- 1 ON 4/21/99 MET WITH MAINTENANCE MANAGER FOR
- 2 S. WE DISCUSSED SEVERAL ITEMS:
- 3 1. SIGNAL CANCELLING CUPS - THESE PLASTIC CUPS HAVE BROKEN AND CAUSED
- 4 INTERFERENCE IN STEERING COLUMN. CUSTOMER IS NOT COMFORTABLE WITH THE
- 5 CUP IN PLACE, AND IS REMOVING THEM (THE RESULT IS THAT THE TURN SIGNAL
- 6 IS NOW NON-CANCELLING).
- 7 2. ALTERNATOR FAILURE - 773888 HAD ALTERNATOR REPLACED AT 5354D. TRUC
- 8 K WAS UNDER WTY, BUT DEALER CHARGED CUSTOMER. WILL ADDRESS WITH DEALER
- 9 AND GET CREDIT FOR CUSTOMER.
- 10 3. FUEL FILTER - CUSTOMER WANTS UNIQUE FUEL FILTER SET-UP: WEBB 525 (
- 11 HAS 20 OR 30 MICRON SCREEN), ADD-ON SECONDARY FILTER (MOUNTS ON TOP OF
- 12 WEBB 525) - BOTH OF THESE ARE SUCTION SIDE OF TRANSFER PUMP. CUSTOMER
- 13 ALSO WANTS THE STANDARD DETROIT DIESEL SECONDARY FUEL FILTER (MOUNTED
- 14 ON ENGINE) ON THE PRESSURE SIDE. OUT OF THE FORTY ALREADY DELIVERED,
- 15 20 ARE CORRECT, 20 NEED TO BE REVISED.
- 16 4. CIRC BREAKERS - ORDERED T2 CIRCUIT BREAKERS, EACH PANEL HAS TOTAL
- 17 OF FOUR. I WILL CHECK WITH NRV FOR INFO ON USING BREAKERS.
- 18 5. FUEL LINE FITTING - BREAKS AT TRANSFER PUMP - POSSIBLY AN OVER TIG
- 19 HTENED PROBLEM, AS LINE IS FULLY SUPPORTED.
- 20 6. AC MOUNTING BOLTS - SOME TRUCKS ARE EXPERIENCING BROKEN BOLTS. I
- 21 WILL GET UPDATE INFO ON THESE BOLTS TO THE CUSTOMER AND LOCAL DEALER.

**PIPER RUDNICK**

**5/14/04**

**LETTER TO ODI WITH**

**ATTACHMENT C**

**ENTIRE  
DOCUMENT  
REDACTED**

**PIPER RUDNICK**

**5/14/04**

**LETTER TO ODI WITH**

**ATTACHMENT D**

# QUALITY JOURNAL ITEM

QJ Id: 641 14

Only for viewing, QJ Item 641-14

**General Information**

<b>Description:</b> VN FLASHER RESET BROKEN	<b>Classifications:</b> GSO_Cab
<b>Root Cause:</b>	<b>Previous QJ Id:</b>

**C - value**

<b>N:</b> 95	<b>N tot:</b> 19000	<b>P:</b> 3 - Action needed before next service	<b>S (EUR):</b> 0 - 100	<b>M:</b> 0 - 10	<b>C-value:</b> 14	<b>Warranty rep cost (EUR):</b> 0	<b>Unplanned stops:</b>
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**Problem Description and Investigation**

<b>QJ Problem Description:</b>	<b>QJ Investigation:</b>

Affected Plant	Chassis Type	Variant	Casing Part No	Related Part No	MOR Exporter NR																
	PH12 PH16 FM VN		1607363		<table border="1"> <thead> <tr> <th>Importer Nr</th> <th>SEQ</th> <th>CON</th> <th>View</th> </tr> </thead> <tbody> <tr> <td>2240</td> <td>171</td> <td>1998-11-08</td> <td><a href="#">Q</a></td> </tr> <tr> <td>7581</td> <td>122</td> <td>1998-10-05</td> <td><a href="#">Q</a></td> </tr> <tr> <td>7581</td> <td>128</td> <td>1998-10-27</td> <td><a href="#">Q</a></td> </tr> </tbody> </table>	Importer Nr	SEQ	CON	View	2240	171	1998-11-08	<a href="#">Q</a>	7581	122	1998-10-05	<a href="#">Q</a>	7581	128	1998-10-27	<a href="#">Q</a>
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7581	122	1998-10-05	<a href="#">Q</a>																		
7581	128	1998-10-27	<a href="#">Q</a>																		

<b>Responsible</b>	<b>Action by:</b> VTNA	<b>Initiated by dept:</b> 7581	<b>Name:</b>	<b>Vehicle Module Team:</b>
	<b>Case manager:</b>	<b>Main Owner:</b> 1211	<b>Saving Responsible:</b>	

**Action Plan**

Enter dates with the YYWW format.

Actual status  MR 9952 Total Weeks  64

Planned:  NEW:  INV:  DES:  DCN:  OK:  MR:  FL:  Next Follow Up:  Follow Up Issues:  Action Plan type

Actual:  9941  9943  9925  9936  9980  9952

Documentation of Solution:

Part No New: <input type="checkbox"/>	DCN: <input type="checkbox"/>	Plant: <input type="checkbox"/>	Circle ID/ Serial NOs: <input type="checkbox"/>	Date (YYWW): <input type="checkbox"/>
3175446	A-85415-10 A-85415-10, B-73898-10			

QJ Solution

QJ Internal

Concern: VN, FV, FM  
 Part No: 1607353, FLASHER RESET  
 Item No: VN, FLASHER RESET BROKEN  
 Responsible Case Manager

DESCRIPTION  
 981006  
 Plastic flasher reset ring is breaking. Part is used to reset the flasher when it becomes stuck.

**QUALITY JOURNAL ITEM**

QJ External zoom view for QJ Item 641-14

Concern.....: VN, FH, FM  
 Part no.....: 1607283 FLASHER RESET  
 Item title....: VN, FLASHER RESET BROKEN  
 Responsible Case Manager  
 Cab - VTNA

**DESCRIPTION**

991006

Plastic flasher reset ring is breaking. Part is used in non-airbag steering wheels. As a result, turn signal switch will not self-cancel.  
 Ref. MQR 7581-122.

990420

The reset ring will be retooled to provide increased locking force after installation in the steering wheel. In addition, an investigation into alternative materials is underway. Also, the steering wheel supplier has been contacted regarding excess flashing in the area where the reset ring is installed.

990914

New flasher reset PN 3176446 released on 873386-10 w936.

991105

New parts planned for production at NRV w947 and at Ulmex w950.

991214

New parts in production at NRV w947. Service parts on order.

991220

Correction ... parts in production at NRV w950.

000104

Breakpoints for FH and FM are:  
 VTC CHNR 509582  
 VET CHNR 246929  
 VTP CHNR 201795  
 YTSB CHNR 783190

000105

Service parts (3176446) available at VDMA w982.  
 Item closed.