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CHIEF COUNSEL

James P. Vondale, Director
Automotive Safety Office
Environmental & Safety Engineering

Fairlane Plaza South
330 Town Center Drive
Dearborn, MI 48126-2738 USA

November 18, 2005

Mr. Stephen Wood
Acting Chief Counsel
Office of the Chief Counsel
National Highway Traffic Safety Administration
400 Seventh Street, S.W.
Washington, D.C. 20590

Dear Mr. Wood:

Subject: Request Under 49 CFR Part 512 for Confidential Treatment of Information

Two copies of confidential information referenced in the Ford Motor Company (Ford) November 18, 2005, response to the agency's October 13, 2005, peer inquiry, PE05-050, are attached. Also attached for your reference is a copy of the non-confidential portion of Ford's response to the ODI's information request.

This letter provides support for Ford's claim of confidentiality in accordance with 49 CFR Part 512.8. Ford requests confidential treatment for the documents included in Appendices D-3, D-4 and D-5 because the documents are not customarily released to the public by Ford and because the documents contain confidential business information, the disclosure of which would likely cause substantial competitive harm to Ford (as contemplated in 49 CFR § 512.15, 5 and U.S.C. § 552(b)(4)). In response to direction provided by your office concerning prior confidentiality submissions, the confidential documents in this submission are of the category "Engineering Specification and Processes." Documents of this type are internal Ford Motor Company documents containing necessary information to be used by Ford and its suppliers to produce or evaluate parts. These documents are usually issued in conjunction with engineering drawings during the design and development of its vehicles. Ford is seeking confidential treatment for these documents because the information contained within could be used by competitors to develop or improve their own products and processes without the need to invest the substantial resources invested by Ford.

Ford documents of this type are maintained under a record keeping system which is intended to control dissemination of this material within Ford, and to assure that the material is not disseminated outside of Ford, except as described in the attached certification, which is made pursuant to 49 CFR Part 512.4(b). Neither NHTSA nor other Federal agencies nor Federal courts have made determinations relating to the confidentiality of the submitted information or



November 18, 2005

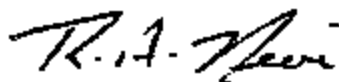
similar information, to the best of our knowledge. A compact disc containing electronic copies of documents provided in Appendices D-3, D-4 and D-5 is labeled "CONFIDENTIAL."

Ford requests that these documents be granted confidential treatment by the agency for a period of ten years. Earlier disclosure of these documents, in Ford's opinion, would result in substantial competitive harm.

In the event that the agency should conclude that all or part of the submitted information is not to be given confidential treatment, Ford asks the agency to provide reasonable notice of not less than ten working days prior to any contemplated disclosure in order that Ford may pursue such legal remedies as it may choose. Please direct all written communication to Mr. Ray Nevi, Ford Motor Company, Suite 500, Fairlane Plaza South, 330 Town Center Drive, Dearborn, Michigan 48126. Please direct all non-written communication to Mr. Paul Fabien who may be contacted by telephone at (313) 621-1656.

Thank you for your continuing courtesy.

Sincerely,



James P. Vondale

Attachment

**CERTIFICATE IN SUPPORT OF REQUEST
FOR CONFIDENTIALITY**

I, R. A. Nevi, pursuant to the provisions of 49 CFR Part 512, state as follows:

1. I am Assistant Director, Global Automotive Safety Compliance, Automotive Safety Office, and I am authorized by Ford Motor Company (Ford) to execute documents of this nature on behalf of Ford;
2. The information contained in the attachment to Ford's letter to NHTSA's Office of the Chief Counsel dated November 18, 2005, contains confidential and proprietary data and is submitted with the claim that it is entitled to confidential treatment under 5 U.S.C., § 552(b)(4);
3. A member of my staff has inquired of the responsible Ford personnel who have authority in the normal course of business to release the type of information for which a claim of confidentiality has been made to ascertain whether such information has ever been released outside Ford;
4. Based upon such inquiries, to the best of my knowledge, information and belief, the information for which Ford has claimed confidential treatment has never been released or become available outside Ford except as hereinafter specified:
 - Portions of these documents may have been or may be shared with Ford suppliers with the expectation that they will be kept confidential.
 - During the course of defending itself in litigation, Ford may have been, or may be required to produce such information.
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 Ford 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 18th day of November 2005.


R. A. Nevi



James P. Vondala, Director
Automotive Safety Office
Environmental & Safety Engineering

Fabiano Piazza South
330 Town Center Drive
Dearborn, MI 48126-2738 USA

November 18, 2005

Ms. Kathleen C. DeMeter, Director
Office of Defects Investigation Safety Assurance
National Highway Traffic Safety Administration
400 Seventh Street, S.W.
Washington, D.C. 20590

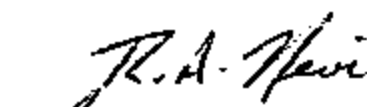
Dear Ms. DeMeter:

Subject: PE05-050:NVS-213dlr

The Ford Motor Company (Ford) response to the agency's October 13, 2005, letter requesting certain information concerning 2003-2005 Explorer vehicles is attached. Ford understands that there is no alleged defect with respect to any of its vehicles and is providing this information as part of the agency's investigation of another manufacturer's vehicles.

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

Sincerely,


James P. Vondala

Attachment



FORD MOTOR COMPANY (FORD) RESPONSE TO PE05-050

Ford's response to this Preliminary Evaluation peer vehicle information request was prepared pursuant to a diligent search for the information requested. We have made every effort to provide thorough and accurate information, and we would be pleased to meet with agency personnel to discuss any aspect of this peer vehicle information request.

The scope of Ford's investigation conducted to locate responsive information focused on Ford employees most likely to be knowledgeable about the subject matter of this inquiry and on review of Ford files in which responsive information ordinarily would be expected to be found and to which Ford ordinarily would refer, as more fully described in this response. Ford notes that although electronic information was included within the scope of its search, Ford has not attempted to retrieve from computer storage electronic files that were overwritten or deleted. As the agency is aware, such files generally are unavailable to the computer user even if they still exist and are retrievable through expert means. To the extent that the agency's definition of Ford includes suppliers, contractors and affiliated enterprises for which Ford does not exercise day-to-day operational control, we note that information belonging to such entities ordinarily is not in Ford's possession, custody or control.

Ford has construed this request as pertaining to vehicles manufactured for sale in the United States, its protectorates and territories.

Answers to your specific questions are set forth below. As requested, after each numeric designation, we have set forth verbatim the request for information, followed by our response. Unless otherwise stated, Ford has undertaken to provide responsive documents dated up to and including October 13, 2005, the date of your inquiry. Ford has searched within the following offices for responsive documents: Environmental and Safety Engineering, Ford Customer Service Division, Global Core Engineering, Office of the General Counsel, and North American Truck Product Development.

Request 1

State, by model and model year, the number of subject vehicles Ford has manufactured for sale or lease in the United States. Separately, for each subject peer vehicle manufactured to date by Ford, state the following:

- a. Vehicle identification number (VIN);
- b. Model;
- c. Model Year;
- d. Date of manufacture;
- e. Date warranty coverage commenced.; and
- f. The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease).

Provide the table in Microsoft Access 2003, or a compatible format, entitled "PE05-050 FORD PRODUCTION DATA."

Answer

Ford records indicate that the approximate total number of subject peer vehicles sold in the United States (the 50 states and the District of Columbia) and its protectorates and territories (American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and Virgin Islands) is 609,988.

The number of subject peer vehicles sold in the United States by model and model year is shown below:

Model	2003 MY	2004 MY	2005 MY
Explorer	224,787	224,399	160,802

The requested data for each subject peer vehicle is provided electronically in Appendix A-1 (2003 MY), Appendix A-2 (2004 MY) and Appendix A-3 (2005 MY) (filenames: 2005-11-18 Appendix A-1, 2005-11-18 Appendix A-2 and 2005-11-18 Appendix A-3, respectively) on the enclosed CD.

Request 2

State the number of each of the following, received by Ford, or of which Ford is otherwise aware, which relate to, or may relate to, the alleged defect in the subject vehicles:

- a. Consumer complaints, including those from fleet operators;
- b. Field reports, including dealer field reports;
- c. Reports involving a crash, injury, or fatality, based on claims against the manufacturer involving a death or injury, notices received by the manufacturer alleging or proving that a death or injury was caused by 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 manufacturer involving 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;
- e. Property damage claims; and
- f. Third-party arbitration proceedings where Ford is or was a party to the arbitration; and
- g. Lawsuits, both pending and closed, in which Ford is or was a defendant or codefendant.

For subparts "a" through "d," 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 Ford'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.

Answer

For purposes of identifying reports of incidents that may be related to the subject condition and any related documents, Ford has gathered "owner reports" and "field reports" maintained by Ford Customer Service Division (FCSD), fleet reports maintained in a Fleet Test Database, and claim and lawsuit information maintained by Ford's Office of the General Counsel (OGC). The agency will note that we are not referencing searches of the Intensified Customer Concern Definition (ICCD) files as the ICCD records are now maintained in Ford owner report files. Therefore, our searches of the owner report files include ICCD records.

Descriptions of the FCSD owner and field report systems and the Fleet Test Database systems and the criteria used to search each of these are provided electronically in Appendix B (filename: 2005-11-18 Appendix B) on the enclosed CD.

The following categorizations were used in the review of reports located in each of these searches:

Category	Allegation
A	Fuel Tank Allegedly Punctured By Road Debris

Owner Reports: Records identified in a search of the Master Owner Relations Systems (MORS) database, as described in Appendix B, were reviewed for relevance and categorized in accordance with the category described above. The number and copies of relevant reports identified in this search are provided in the MORS III portion of the electronic database contained in Appendix C (filename: 2005-11-18 Appendix C). The categorization of each report is identified in the "Category" field.

When we were able to identify that responsive duplicate owner reports for an alleged incident were received, each of these duplicate reports was marked accordingly, and the group counted as one report.

Legal Contacts: Ford is providing in Appendix B a description of Legal Contacts and the activity that is responsible for this information, Litigation Prevention. No responsive owner reports indicating that they are Legal Contacts were identified, and thus, no files have been gathered from the Litigation Prevention section.

Fleet Reports: Ford is providing in Appendix B a description of the Fleet Test Database. This database contains reports only for 2002 and prior model year vehicles. Because the subject peer vehicles fall outside of this scope, the Fleet Test Database was not searched for relevant reports.

Field Reports: Records identified in a search of the Common Quality Indicator System (CQIS) database, as described in Appendix B, were reviewed for relevance and categorized in accordance with the category described above. No relevant field reports were identified in this search.

Unified Database: The Unified Database (UDB) was created to facilitate parts availability by tracking part sales and is not intended as a problem reporting system. However, because a small percentage of the records may contain verbatim comments that could potentially relate to the agency's inquiry, we searched UDB for reports responsive to Request 2 as described in Appendix B. No relevant reports were identified in this search.

Crash/Injury Incident Claims: For purposes of identifying allegations of accidents or injuries that may have resulted from the subject condition, Ford has reviewed responsive owner reports. No relevant claims of crashes or injuries were identified in this search.

Claims, Lawsuits, and Arbitrations: For purposes of identifying incidents that may relate to the subject condition, Ford has gathered claim and lawsuit information maintained by Ford's OGC. Ford's OGC is responsible for handling product liability lawsuits, claims, and consumer breach of warranty lawsuits and arbitrations against the Company. Lawsuits and claims gathered in this manner were reviewed for relevance. No relevant lawsuits, claims or arbitrations were identified in this search.

Request 3

Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 2, state the following information:

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

Provide this information in Microsoft Access 2003, or a compatible format, entitled "PE05-050 FORD REQUEST NUMBER TWO DATA."

Answer

Ford is providing owner reports in the electronic database contained in Appendix C on the enclosed CD in response to Request 2. To the extent information sought in Request 3 is available for owner reports, it is provided in the database. No relevant field reports, lawsuits and claims were identified in this search.

Request 4

Produce copies of all documents related to each of items "c" through "e" within the scope of Request Number Two. Organize the documents separately by category (i.e., crash/injury/fatality report property damage claims, etc.) and describe the method Ford used for organizing the documents.

Answer

No relevant owner reports containing allegations of crashes, injuries, fatalities, fire or property damage were identified. As previously noted, no relevant field reports, lawsuits or claims were identified in our searches. Therefore, there are no documents responsive to this request.

Request 5

State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by Ford to date that relate to, or may relate to, the alleged defect in the subject vehicles: warranty claims; extended warranty claims; claims for good will services that were provided; field, zone, or similar adjustments and reimbursements; and warranty claims or repairs made in accordance with a procedure specified in a technical service bulletin or customer satisfaction campaign.

Separately, for each such claim, state the following information:

- a. Ford'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.

Provide this information in Microsoft Access 2003, or a compatible format, entitled "PE05-050 FORD WARRANTY DATA."

Answer

Records identified in a search of the AWS database, as described in Appendix B, were reviewed for relevance and categorized in accordance with the category described in the response to Request 2. The number and copies of relevant warranty claims identified in this search are provided in the AWS portion of the electronic database in Appendix C on the enclosed CD. The categorization of each report is identified in the "Category" field.

Requests for "goodwill, field or zone adjustments" received by Ford to date that relate to the subject condition that were not honored, if any, would be included in the MORS reports identified above in response to Request 2. Requests for such adjustments that were honored are included in the warranty data provided in Appendix C.

Ford notes that although two warranty claims responsive to this request were located, the subject condition is considered to be the result of a road hazard and is not covered under Ford's bumper-to-bumper warranty. These repairs may have been charged to warranty in error and could be charged back to the dealer in the event of an audit.

Request 6

Describe in detail the search criteria used by Ford to identify the claims identified in response to Request No. 5, 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 in Microsoft Access 2003, or a compatible format. State, by make and model year, the terms of the new vehicle warranty coverage offered by Ford on the subject vehicles (i.e., the number of months and mileage for which coverage is provided and the vehicle systems that are covered).

Answer

Detailed descriptions of the search criteria, including all pertinent parameters, used to identify the claims provided in response to Request 5 are described in Appendix B.

Request 7

Produce copies of all service, warranty, and other documents that relate to, or may relate to, the subject condition in the subject peer vehicles, that Ford 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 Ford is planning to issue within the next 120 days.

Answer

For purposes of identifying communications to dealers, zone offices, or field offices pertaining, at least in part, to the subject condition, Ford has reviewed the following FCSD databases and files: The On-Line Automotive Service Information System (OASIS) containing Technical Service Bulletins (TSBs) and Special Service Messages (SSMs); Internal Service Messages (ISMs) contained in CQIS; and Field Review Committee (FRC) files. We assume this request does not seek information related to electronic communications between Ford and its dealers regarding the order, delivery, or payment for replacement parts, so we have not included these kinds of information in our answer.

A description of Ford's OASIS messages, Internal Service Messages, and the Field Review Committee files and the search criteria used are provided in Appendix B.

OASIS Messages: Ford has identified no SSMs and no TSBs that may relate to the subject condition in the subject peer vehicles.

Internal Service Messages: Ford has identified no ISMs that may relate to the subject condition in the subject peer vehicles.

Field Review Committee: Ford has identified no field service action communications that may relate to the subject condition in the subject peer vehicles.

Request 8

Describe all modifications or changes made by, or on behalf of, Ford in the design, material composition, manufacture, quality control, supply, or installation of the subject components, from the start of production to date, which relate to, or may relate to, the subject condition in the subject peer vehicles. For each such modification or change, provide the following information:

- a. The date or approximate date on which the modification or change was incorporated into vehicle production;
- b. A detailed description of the modification or change;
- c. The reason(s) for the modification or change;
- d. The part number (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.

Answer

In an October 25, 2005, phone conversation, Mr. Derek Rinehardt of the agency informed Ford personnel that a response to this request is not required.

Request 9

Provide the following information concerning the subject fuel tank assemblies:

- a. Drawings showing the nominal and minimum (full jounce) design ground clearance of the subject fuel tank assembly and the corresponding location(s) on the tank assembly – state all assumptions (e.g., tire inflation pressure);
- b. Identify all subject vehicle components that have lower ground clearances for each condition cited in "9.a" than the subject fuel tanks and state the location and ground clearance dimension of each;
- c. State the minimum design ground clearance for each condition cited in "9.a" for the subject vehicles, the bases for that dimension, the associated component/structure, and the location;
- d. Provide a bottom view drawing or picture showing the undercarriage of the vehicle in the fully built configuration with the fuel tank and the locations of all components identified in "9.b" and "9.c" clearly marked;
- e. Copies of all engineering specifications relating to the packaging, shielding, ground clearance, and/or puncture resistance of the subject fuel tanks;
- f. Copies of all engineering standards, design guides, or similar documents that relate in any way to the packaging, shielding, ground clearance, and/or puncture resistance of fuel tanks in passenger cars or light trucks (including vans and utility vehicles);

Answer

Requests 9a, 9b and 9c are addressed by the following information and the drawing being provided electronically as Appendix D-1 (filename: 2005-11-18 Appendix D-1). This drawing is

of the 2004 model year Explorer; it is also representative of the 2003 and 2005 model year vehicles. It is Ford's engineering practice to conduct ground clearance studies at curb attitude only; such studies are not conducted at full bounce. The drawing being provided, therefore, indicates ground clearances only at curb attitude.

The fuel tank is green in the referenced drawing. The identified ground clearances are based on curb attitude, the smallest wheel/tire combination, and a nominal tire pressure of 35 psi. The subject components lower than the fuel tank include the transmission cross member, the transfer case skid plate, and the fuel tank skid plate. (The transmission cross member and transfer case skid plate are not specifically designed to shield the fuel tank, but may provide additional shielding and have thus been included as subject components.) The minimum ground clearance to these components and its associated location are identified in the drawing.

In addition to the ground clearance study at curb attitude described here, physical tests were conducted on the subject peer vehicles per Ford engineering practice. According to this practice, vehicles are subjected to durability tests conducted at maximum GVWR (with the rear axle loaded to maximum GAWR). After such tests, the fuel tanks are inspected for signs of damage. If any such signs are found and judged to be of significance, the design would be modified as appropriate.

Request 9d is addressed by the drawing being provided electronically as Appendix D-2 (filename: 2005-11-18 Appendix D-2). Again, this drawing is of the 2004 model year Explorer and, as before, is representative of the 2003 and 2005 model year vehicles. The fuel tank is green and can be seen between the transmission cross member and the transfer case skid plate, and again between the transfer case skid plate and the fuel tank skid plate.

Documents relevant to Requests 9e and 9f will be submitted under separate cover with a request for confidentiality to the agency's Office of the Chief Counsel as Appendices D-3, D-4 and D-5 (filenames: 2005-11-18 Appendix D-3, 2005-11-18 Appendix D-4 and 2005-11-18 Appendix D-5). These documents include standards related to several vehicle systems, including fuel, or standards and guidelines applicable to the fuel system, including but not limited to the subject condition. The paragraphs relevant to this specific request are identified below.

- Appendix D-3, Ground Clearance: Entire document
- Appendix D-4, Complete Vehicle: sections 2.2.1, 5.6, 5.10.1, 6.4 and all of sec. 7
- Appendix D-5, Fuel: All of section 7

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