

DAIMLERCHRYSLER

Amr
9/19/07

September 13, 2007

Ms. Kathleen DeMeter, Director
Office of Defects Investigation
Office of Enforcement
National Highway Traffic Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue SE
Washington, D.C. 20590

DaimlerChrysler Corporation

Stephan J. Speth

Director
Vehicle Compliance & Safety Affairs

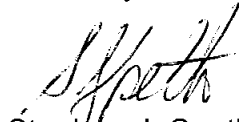
Dear Ms. DeMeter:

Reference: NVS-212mjl; EA07-003

This document contains Chrysler LLC's ("Chrysler") response to the referenced inquiry regarding side airbag inflatable curtain (SABIC) diffuser tube fracture during NHTSA ejection mitigation testing using a 2006 model year Dodge Durango vehicle. In performing the analysis and reaching conclusions, and by providing the information contained herein, Chrysler is not waiving its claim to attorney work product and attorney-client privileged communications.

Since the opening of PE06-045 and subsequent EA07-003, Chrysler has conducted a thorough investigation and analysis and has found no field reports, consumer complaints, lawsuits, legal claims, or any other input or evidence suggesting that the alleged condition exists in the subject vehicles in the field. Furthermore, there is no evidence to suggest that the fractures observed during NHTSA ejection mitigation testing were the result of a design or manufacturing defect of the SABIC. Chrysler and Delphi have conducted hundreds of side curtain airbag deployments, both under static and dynamic test conditions, with no evidence of the alleged condition. Based on this testing and the complete absence of field input, Chrysler maintains that there is no safety related defect.

Sincerely,



Stephan J. Speth

Attachment and Enclosures

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

Provide the table in Microsoft Access 2000, or a compatible format, entitled "PRODUCTION DATA."

- A1. The 2004 through 2007 model year Dodge Durango is referred to as the HB model. The total number of subject 2004 through 2007 model year HB vehicles manufactured for the US market was 85,111. The side airbag inflatable curtain (SABIC) system was an optional feature on 2004 through 2006 model year subject vehicles. The SABIC system became a standard feature on the 2007 model year subject vehicles.

The detailed response that lists the market production data is provided in Enclosure 1 as a Microsoft Access 2000 table, titled "PRODUCTION DATA."

NOTE: UNLESS OTHERWISE INDICATED IN THE RESPONSE TO ANY OF THE QUESTIONS, THIS DOCUMENT CONTAINS INFORMATION THROUGH AUGUST 2, 2007, THE DATE THE EA INFORMATION REQUEST WAS RECEIVED. ALL INFORMATION IS AN UPDATE TO THE INFORMATION PROVIDED IN RESPONSE TO PE06-045 DATED JANUARY 12, 2007.

2. **State the number of each of the following, received by DaimlerChrysler, or of which DaimlerChrysler 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. Property damage claims;
- e. Third-party arbitration proceedings where DaimlerChrysler is or was a party to the arbitration; and
- f. Lawsuits, both pending and closed, in which DaimlerChrysler is or was a defendant or codefendant.

For subparts "a" through "f," 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 "f," provide a summary description of the alleged problem and causal and contributing factors and DaimlerChrysler's assessment of the problem, with a summary of the significant underlying facts and evidence. For items "e" and "f," 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.

- A2. The following summarizes the reports identified by Chrysler that relate to, or may relate to, the alleged condition in the subject vehicles. Chrysler has conducted a reasonable and diligent search of the normal repositories of such information.
- a. There are no consumer complaints (VOQ or Customer Assistance Inquiry Request ("CAIR")) responsive to this inquiry.
 - b. There are no field reports responsive to this inquiry.
 - c. There are no reports alleging crash, injury, or fatality that are responsive to this inquiry.
 - d. There are no reports that allege property damage responsive to this inquiry.
 - e. There are no third-party arbitration proceedings responsive to this inquiry.
 - f. There are no legal claims, or lawsuits responsive to this inquiry.

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. DaimlerChrysler'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 property damage is alleged;
 - k. Number of alleged injuries, if any; and
 - l. Number of alleged fatalities, if any.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "REQUEST NUMBER TWO DATA."

- A3. There are no customer complaints, field reports, legal claims, or lawsuits responsive to this inquiry; therefore, there is no further information available to report.
4. Produce copies of all documents related to each item within the scope of Request No. 2. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and describe the method DaimlerChrysler used for organizing the documents.
- A4. There are no customer complaints, field reports, legal claims, or lawsuits responsive to this inquiry; therefore, there are no documents to provide.
5. State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by DaimlerChrysler 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. DaimlerChrysler'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 2000, or a compatible format, entitled "WARRANTY DATA."

A5.

Labor Operation Code (LOP)	2004 MY Warranty Claims	2005 MY Warranty Claims	2006 MY Warranty Claims	2007 MY Warranty Claims
232029	0	1	0	1

The detailed response that lists the warranty claims is provided in Enclosure 2 as a Microsoft Access 2000 table, titled "WARRANTY DATA."

6. Describe in detail the search criteria used by DaimlerChrysler 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. State, by make and model year, the terms of the new vehicle warranty coverage offered by DaimlerChrysler on the subject vehicles (i.e., the number of months and mileage for which coverage is provided and the vehicle systems that are covered). Describe any extended warranty coverage option(s) that DaimlerChrysler 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.

- A6. The search criteria used by Chrysler to identify claims for Request No. 5 can be found in the chart below:

Description of Repair	Labor Operation
Airbag, Side	232029

Failure Code	Description
58	Internal Defect
UC	Uncodable

The standard warranty offered on the subject vehicles was 36 month / 36,000 miles. There are no extended warranty coverages for the subject components, but there are service contract coverage options. There were no claims made in the service contract coverage for the above labor operation code. Owners may also have purchased additional coverage through third-party service contract providers. Chrysler has no access to such records.

- 7. Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject vehicles, that DaimlerChrysler 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 DaimlerChrysler is planning to issue within the next 120 days.**

A7. There are no service, warranty, and/or other documents that relate to, or may relate to, the alleged defect in the subject vehicles, that Chrysler has issued to any dealers, regional or zone offices, field offices, fleet purchasers, or other entities. There are no communications planned within the next 120 days.

- 8. 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, DaimlerChrysler. For each such action, provide the following information:**

- a. Action title or identifier;
- b. The actual or planned start date;
- c. The actual or expected end date;
- d. Brief summary of the subject and objective of the action;
- e. Engineering group(s)/supplier(s) responsible for designing and for conducting the action; and
- f. A brief summary of the findings and/or conclusions resulting from the action.

For each action identified, provide copies of all documents related to the action, regardless of whether the documents are in interim, draft, or final form. Organize the documents chronologically by action. If an action is not complete, provide a detailed schedule for the work to be done, tentative findings and/or conclusions, and provide an update within 10 days of completion of the action.

- A8. There have been no assessments (other than those referred to in Q11 of this response), analyses, tests, test results, studies, surveys, simulations, investigations, inquiries or other evaluations conducted or planned since the previous PE06-045 IR Response submitted on January 12, 2007.
- 9. Produce copies of reports and documents related to all tests (e.g., pre-production, production, design validation, product validation, etc.) related to the diffuser tube in the subject vehicles including all side curtain air bag deployment tests associated with the subject vehicles. For each test, include information concerning the test conditions:**
- a. With and without the installation of the headliner;**
 - b. With variations in the mounting points; and**
 - c. On sled buck or vehicle body.**
- A9. Chrysler has not conducted any tests related to the diffuser tube in the subject vehicles since the previous PE06-045 IR Response submitted on January 12, 2007.
- 10. Produce copies of reports and documents related to all sled and crash tests (developmental and certification) that involved side curtain air bag deployments in the subject vehicles.**
- A10. Chrysler has not conducted any sled or crash tests involving SABIC deployments in the subject vehicles since the previous PE06-045 IR Response submitted on January 12, 2007.
- 11. Furnish DaimlerChrysler's analysis and assessment of the vehicle crash test identified as VC10350 (30 KPH right side center pole impact) that resulted in the fracture of the diffuser tube. According to Delphi Corporation (refer to page 8 of Delphi's letter to ODI dated January 11, 2007), the diffuser tube may have fractured after impacting the pole. Your response to this request should include, but is not limited to, a discussion about the cause and failure mode of the fracture, dummy injury values/performance, effects of the fracture on dummy injury values/performance (if any), whether the vehicle crush characteristics were normal or unusual, and the overall performance of the side curtain air bag system in the test.**

- A11. The vehicle crash test identified as VC10350 was an early development, pre-production test for one of the first Chrysler vehicle programs to implement the SABIC system in conjunction with the 30 kph side impact pole test. This test is non-regulatory and was used for internal Chrysler assessment of the SABIC which was optional equipment for the launch of the subject vehicle.

Chrysler's review of the test documentation did not reveal any evidence that the alleged condition occurred during the side impact pole test or that it caused any unusual or markedly different injury criteria performance. This conclusion is based upon comparison with other similar tests conducted on the subject vehicle and SABIC system. Chrysler's assessment also supports that there was nothing unusual regarding the vehicle crush characteristics. See Enclosure 3 - CONFIDENTIAL for comparison. As to the cause and failure mode of the tube fracture, Chrysler has not conducted an independent study. Film analysis of this crash, along with other similar tests, indicates that the SABIC was completely filled and in place for its intended purpose. If the tube fracture did occur during the test, it was not visibly detectable in the film analysis nor did it materially affect injury criteria performance. See Enclosure 3 - CONFIDENTIAL.

- 12. Describe all modifications or changes made by, or on behalf of, DaimlerChrysler in the design, material composition, manufacture, process control, quality control, supply, or installation of the subject components, 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 DaimlerChrysler is aware of which may be incorporated into vehicle production within the next 120 days.

- A12. A detailed summary of design change information, recorded on Chrysler Change Notices ("CN"), for the subject vehicle SABIC system is being submitted as Enclosure 4 – CONFIDENTIAL to the Office of the Chief Counsel, under separate cover with a request for confidential treatment of information.
- 13. Furnish DaimlerChrysler's assessment of the alleged defect in the subject vehicles, including:**
- a. The causal or contributory factor(s);**
 - b. The failure mechanism(s);**
 - c. The failure mode(s);**
 - d. The risk to motor vehicle safety that it poses; and**
 - e. What warnings, if any, the operator and the other persons both inside and outside the vehicle would have that the alleged defect was occurring or subject component was malfunctioning.**
- A13. The subject vehicles comply with all performance requirements of FMVSS214 with or without the presence of the SABIC system. Chrysler has conducted a thorough investigation and analysis and has found no field reports, consumer complaints, lawsuits, legal claims, or any other input or evidence suggesting that the alleged condition exists in the subject vehicles. Additionally, there are no responsive reports for the 31,894 Chrysler Aspen vehicles built during the 2007 model year that utilize the identical SABIC system.

Chrysler cannot identify what caused the alleged condition during the NHTSA ejection mitigation testing, but there is no evidence it was a design or manufacture defect of the SABIC. Based on the complete absence of field data and the hundreds of SABIC deployments that Chrysler and Delphi have conducted without any evidence of the alleged condition, Chrysler maintains that there is no safety related defect.

DAIMLERCHRYSLER

DaimlerChrysler Corporation

Stephan J. Speth

Director

Vehicle Compliance & Safety Affairs

September 12, 2007

Mr. Anthony M. Cooke
Office of Chief Counsel (NCC-113)
National Highway Traffic Safety Administration
1200 New Jersey Ave., SE, Room W41-227
Washington, DC 20590

Re: Request for Confidential Treatment of Documents Submitted in EA07-003

Dear Mr. Cooke:

Chrysler LLC ("Chrysler") is submitting information on CD ROM discs to the NHTSA Office of Defects Investigation in connection with the above referenced Information Request ("IR"). Based on a careful review of the submission, Chrysler has determined that the files in Enclosure 3 and Enclosure 4 consist of confidential information that should be accorded confidential treatment under this agency's regulations and 49 C.F.R. Part 512 and Exemption 4 of the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552(b)(4).¹ Therefore, Chrysler is submitting these CD's together with this request for confidential treatment to the Office of Chief Counsel.

The information required by Part 512 is set forth below.

A. Description of the Information (49 C.F.R. § 512.8(a))

The information for which confidential treatment is being sought is a change history in Enclosure 4, CONF-Change History. This document shows the history of the changes to the air bag. (Bates page # Chrysler-EA07-003-00004) Enclosure 3 contains two documents, CONF-HB SABIC plots Head Accel-B pillar Accel and CONF-HB SABIC summary 082307. These documents contain side air bag test and analysis data. (Bates page # Chrysler-EA07-003-00001-00003)

The table attached to this letter will more fully describe the documents.

B. Confidentiality Standard (49 C.F.R. § 512.8(b))

¹ Chrysler has taken steps to assure that the CD's are free of any errors or defects that would prevent NHTSA from opening each file on the disc. If, however, the agency is unable to open any of the files, Chrysler respectfully requests that the agency inform Chrysler of the issue, so that Chrysler may take steps to supply NHTSA's Office of Chief Counsel with a disc that is fully functional.

This submission is subject to the substantial competitive harm standard set forth in 49 C.F.R. § 512.15(b) for information that a submitter is required to provide to the agency.

C. Justification for Confidential Treatment (49 C.F.R. § 512.8(c))

This agency's regulations and Exemption 4 of the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552(b)(4), protect the confidentiality of information that would be likely to cause substantial competitive harm to the submitter if disclosed. *See, e.g. 49 C.F.R. § 512.15(b); Nat'l Parks & Conservation Ass'n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974). FOIA Exemption 4 was enacted to prevent disclosures that would "eliminate much of the time and effort that would otherwise be required to bring to market a product competitive with the [submitter's] product." *Public Citizen Health Research Grp. v. FDA*, 185 F.3d 898, 905 (D.C. Cir. 1999). "Because competition in business turns on the relative costs and opportunities faced by members of the same industry, there is a potential windfall for competitors to whom valuable information is released under FOIA. If those competitors are charged only minimal FOIA retrieval costs for the information, rather than the considerable costs of private reproduction, they may be getting quite a bargain. Such bargains could easily have competitive consequences not contemplated as part of FOIA's principle aim of promoting openness in government." *Worthington Compressors, Inc. v. Costle*, 662 F.2d 45, 51 (D.C. Cir. 1981). Substantial competitive harm also may result from disclosures that would reveal a firm's "operational strengths and weaknesses" to competitors. *See Nat'l Parks & Conservation Ass'n v. Kleppe*, 547 F.2d 673, 684 (D.C. Cir. 1976). The information at issue here should be protected under these standards.²

The change history reveals information about the design and manufacturing process changes to the subject component, the timing of such changes, the reason for the changes, and the process by which such changes were made. Thus this document reveals information about designs and design and manufacturing processes, as well as Chrysler lead-time and operational capacity information, which could enable Chrysler's competitors to improve their own designs and manufacturing processes, and compete more effectively against Chrysler.

The side air bag test and analysis data contains development and design testing information that shows how Chrysler evaluates products with side air bags. It reveals the process of analysis, product testing methodology, and product design information. NHTSA has recognized that developmental testing information should be protected under Exemption 4 because it reveals the scope, nature, and results of a submitter's proprietary and developmental testing, as well as the submitter's design and performance standards, design philosophies, and the reasons for various design choices. The disclosure of such information would enable competitors to refine their own product evaluation, develop and upgrade its own testing protocols, improve design decisions, and gain insights into

² As noted above, Chrysler is providing a table that identifies the confidential information on the enclosed discs, and specifies the location of the information (by enclosure number and Bates page numbers). The table also briefly states the basis for the confidentiality claims.

Chrysler's operational capacities without incurring the costs normally required for independent development of such procedures.

D. Class Determination (49 C.F.R. § 512.8(d))

The information for which confidential treatment is sought does not fit within a class determination.

E. Duration for Which Confidential Treatment is Sought (49 C.F.R. § 512.8(e))

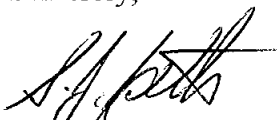
Because Chrysler anticipates that the information will be competitively sensitive indefinitely, Chrysler requests that the information be accorded confidential treatment permanently.

F. Contact Information (49 C.F.R. § 512.8(f))

Please direct all inquiries and responses to the undersigned at:
800 Chrysler Drive, CIMS 482-00-91
Auburn Hills, MI 48326
248-512-4188
SS6@chrysler.com

If you receive a request for disclosure of the information for which confidential treatment is being sought before you have completed your review of our request, Chrysler respectfully requests notification of the request(s) and an opportunity to provide further justification for the confidential treatment of this information, if warranted.

Sincerely,



Stephan J. Speth

cc: Kathleen DeMeter

Attachment and Enclosures

**ATTACHMENT TO REQUEST FOR CONFIDENTIAL
TREATMENT OF CERTAIN DOCUMENTS SUBMITTED IN
CONNECTION WITH EA07-003 WITHIN ENCLOSURES 3 & 4
CONFIDENTIAL**

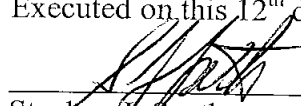
QUESTION #	ENCLOSURE	FILE/DOCUMENT NAME	DOCUMENT DESCRIPTION	BATES PAGE #	CONFIDENTIALITY JUSTIFICATION
12	4	CONF - Change History.pdf	Air Bag change history	Chrysler-EA07-003-00004	Product design changes which would cause competitive harm if disclosed because competitors could determine the methodology of Chrysler's design changes.
11	3	CONF - HB SABIC plots Head Accel - B pillar Accel.pdf	Test Data Analysis	Chrysler-EA07-003-00001-00002	Product validation criteria and testing data would cause competitive harm because competitors could improve their own testing and product validation processes.
11	3	CONF - HB SABIC summary 082307.pdf	Test Data Analysis	Chrysler-EA07-003-00003	Product validation criteria and testing data would cause competitive harm because competitors could improve their own testing and product validation processes.

Certificate in Support of Request for Confidentiality

I, Stephan J. Speth pursuant to the provisions of 49 C.F.R. Part 512, state as follows:

- (1) I am Chrysler LLC's Director, Vehicle Certification, Compliance and Safety Affairs and I am authorized by Chrysler LLC to execute documents on its behalf;
- (2) I certify that the information contained in the attached documents is confidential and proprietary data and is being submitted with the claim that it is entitled to confidential treatment under 5 U.S.C. 552(b)(4);
- (3) I hereby request that the information contained in the indicated documents be protected on a permanent basis;
- (4) This certification is based on the information provided by the responsible Chrysler LLC 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 Chrysler LLC;
- (5) Based upon that information, to the best of my knowledge, information and belief, the information for which Chrysler LLC has claimed confidential treatment has never been released or become available outside Chrysler LLC, except to certain contractors of Chrysler LLC with the understanding that such information must be maintained in strict confidence;
- (6) 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 Chrysler LLC because of unauthorized or inadvertent disclosure (except as stated in paragraph 5); and
- (7) I certify under penalty of perjury that the foregoing is true and correct.

Executed on this 12th day of September, 2007



Stephan J. Speth