



**Stephan J. Speth**  
Director  
Vehicle Compliance & Safety Affairs

September 12, 2008

Mr. Thomas Z. Cooper, Chief  
Vehicle Integrity Division  
Office of Defects Investigation  
National Highway Traffic Safety Administration  
U.S. Department of Transportation  
1200 New Jersey Avenue SE  
Washington, D.C. 20590

Dear Mr. Cooper:

Reference: NVS-212IIh; PE08-047

This document contains Chrysler LLC's ("Chrysler") response to the referenced inquiry regarding alleged "failure or malfunction of the secondary hood latch system" on 2000 and 2001 Dodge Ram pickup trucks. 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.

Chrysler acknowledges some level of field inputs on this issue but points to both relatively older age or high mileage of the vehicles alleging a hood latch issue and a dramatically declining complaint rate as primary factors to consider in this investigation. Furthermore, the fact that operators are clearly instructed to maintain and lubricate hood latches on a regular basis and Chrysler field inspections of subject vehicles with the alleged condition indicate that those experiencing an alleged hood latch issue did not appear to be following these instructions. Finally, and most importantly, out of nearly 800,000 subject vehicles in the field for 8 to 9 years, there have been in excess of 30 million passenger miles driven in the subject vehicles with no reports of injury or fatality. Therefore, Chrysler believes that this issue does not present an unreasonable risk to motor vehicle safety.

Sincerely,

A handwritten signature in dark ink, appearing to read "S. J. Speth", written over a light blue horizontal line.

Stephan J. Speth

Attachment and Enclosures

Please repeat the applicable request verbatim above each response. After Chrysler's response to each request, identify the source of the information and indicate the last date the information was gathered.

1. State, by model and model year, the number of subject vehicles Chrysler has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by Chrysler, state the following:
  - a. Vehicle identification number (VIN);
  - b. Make;
  - c. Model;
  - d. Model year;
  - e. Date of manufacture;
  - f. Date warranty coverage commenced;
  - 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 subject vehicle MY 2000 and 2001 Dodge Ram 1500 / 2500 / 3500 series pickup trucks are all referred to as the BR (standard cab) or BE (extended cab) model. The total number of subject vehicles manufactured by Chrysler for sale or lease for the US market was 772,120. The subject components (hood latch system including primary and secondary latches and associated components) are standard equipment on all 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."

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Note: Unless indicated otherwise in the response to a question, this document contains information through July 31, 2008, the date the information request was received.

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2. State the number of each of the following, received by Chrysler, or of which Chrysler 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, including but not limited to,
    - i. Complaints of hood latch failure,
    - ii. Complaints of hood latch corrosion,
    - iii. Complaints of hoods flying up while driving;
  - 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 Chrysler is or was a party to the arbitration; and
  - f. Lawsuits, both pending and closed, in which Chrysler 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 "f," provide a summary description of the alleged problem and causal and contributing factors and Chrysler's assessment of the problem, with a summary of the significant underlying facts and evidence. For items "c through 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 non-privileged 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.

See the table below for breakdown of VIN by report type. Each box within the shaded area represents the number of unique VINs with the corresponding report type associated with it. For example, the cell in the table that lies in the CAIR column and the Field (Report) row indicates that 3 VINs had both a CAIR report and a field report claim that may be related to the alleged condition. The "Duplicates" column indicates additional reports of the same incident for one of

the VINs already accounted for in the shaded box. For instance, if a specific VIN had 2 CAIRS and 1 field report for the same incident, 1 CAIR and 1 field report would be accounted for in the shaded region (CAIR column – Field row), while an additional CAIR would show up under the Duplicates column in the CAIR row.

Totaling a single row across the columns yields the total number of that type of report. The number of unique VINs is established by summing the total of cells within the shaded area. In total, there are 567 reports involving 436 unique subject vehicles as indicated in the shaded area of the table below.

	CAIR	FIELD	LEGAL	DUPLICATES	TOTALS
CAIR	303	3	74	48	428
FIELD	3	52	0	5	60
LEGAL	74	0	4	1	79
Unique VINs = 436				total	567

- a. There are 507 consumer complaints (Customer Assistance Inquiry Request (CAIRs) or legal matters) that may relate to the alleged condition. These 507 consumer complaints represent 381 unique VINs.
- b. There are 60 field reports responsive to the alleged condition, which are comprised of 55 unique VINs.
- c. There are 2 reports alleging crash, 0 reports of injury, and 0 reports of fatality that are responsive to this inquiry.
- d. There are 4 reports that allege property damage that are responsive to this inquiry.
- e. There are 3 third-party arbitration proceedings involving Chrysler that are responsive to this inquiry (included in the legal matters total).
- f. There are 79 legal matters, claims, or lawsuits involving Chrysler, or notices received by Chrysler, that are responsive to the condition alleged in this investigation ("any failure or malfunction of the secondary hood latch system") that involve 78 unique VINs.

The following is a breakdown of the reports of the vehicles (unique VINs) identified that may be related to the alleged condition.

Chrysler has determined that 31 of the vehicles reference some hood latch problem but the complaints are not specific enough to discern whether the issue is responsive to the alleged condition ("any failure or malfunction of the secondary hood latch system"). However, they are included because there is not enough information to exclude them.

There were 46 vehicles with reports of some issue with the secondary hood latch but the information, in many cases, was not specific enough to discern what the problem was or the result of the issue. Such descriptions include "secondary hood latch broke" but there is no more detail about the specific problem or the root cause. Secondary hood latch issues could be the result of outside factors such as if the vehicle had been in a frontal collision significant enough to affect the proper alignment of the secondary latch system.

The remaining vehicles had reports that reference hood movement upward while driving which indicates that neither the primary nor secondary latch was appropriately engaged. It is difficult to discern in many cases what the specific problem was that resulted in the incident.

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. Chrysler'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. The detailed response that lists the customer complaints, field reports, and legal claims and lawsuits from Request No. 2, as requested in Items a. through l. is

provided in Enclosure 2 as a Microsoft Access 2000 table, titled "REQUEST NUMBER TWO DATA."

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 Chrysler used for organizing the documents.
- A4. Copies of all documents within the scope of Request 2 are provided in Enclosure 3 – FIELD DATA, on the enclosed CD-ROM. The documents are organized by report type: CAIR, Field Report, or Legal Claim/Lawsuit. For the customer complaints the documents are arranged in folders by CAIR number, for the field reports by VIN number and for the legal claims/lawsuits by claimant name. For the consumer complaints the CAIR summaries are submitted in one pdf file instead of being located in the individual CAIR folders.
5. State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by Chrysler 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. Chrysler'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 (LOP) Code	2000 MY Warranty Claims	2001 MY Warranty Claims
23-41-46-01	0	0
23-41-47-01	11	91
23-41-51-01	64	781
23-41-54-01	27	2

The warranty counts include all that could be reasonably binned as a secondary hood latch issue. It is often not possible to determine whether each particular warranty claim is in any way related to the alleged condition. There are other random issues, not related to this alleged condition, that require replacement of subject components. Chrysler has concluded that warranty data cannot be used to determine any trend related to the alleged condition.

The detailed response that lists the warranty claims is provided in Enclosure 4 as a Microsoft Access 2000 table, titled "WARRANTY DATA."

6. Describe in detail the search criteria used by Chrysler 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 Chrysler 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 Chrysler 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
Bracket Catch Assembly, Hood	23-41-43-01
Handle, Hood Latch	23-41-47-01
Catch, Hood Latch Safety	23-41-51-01
Rod/Spring, hood Latch	23-41-54-01

Failure Code	Description
06	bent
07	binds, sticks or seized
11	Broken or cracked
50	Improper adjustment
51	Improperly installed
64	Misaligned or mismatched
BX	Broken component
UC	Uncodeable
	No code

The standard warranty offered on the subject vehicles was 36 month / 36,000 miles. There was no extended warranty coverage for the subject components, but there were service contract coverage options available for purchase through Chrysler's authorized dealers which extended coverage on the subject components. These plans fall under the category of Mopar Maximum Care which extended coverage for a range of up to 50,000 to 100,000 miles or up to seven years depending on the contract selected. See Enclosure 5 – EXTENDED COVERAGE OPTIONS for details. Any service contract claims for the applicable labor operation codes are included in the warranty data being provided. Chrysler notes that owners also have the opportunity to purchase additional service contract coverage through other third-party providers, but Chrysler neither has access to nor maintains that data.

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 Chrysler 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 Chrysler 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 related dealer communications planned to be released in 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, Chrysler. 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.

- A8. Responses for Items a. through f. are provided in Enclosure 6 - ASSESSMENTS and Enclosure 7 - CONF BUS INFO submitted to the Office of the Chief Counsel, under separate cover with a request for confidential treatment of information.
9. Describe all modifications or changes made by, or on behalf of, Chrysler in the design, material composition, manufacture, quality control, supply, or installation of the subject component(s)/assembly or components that may impinge on or affect 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 Chrysler is aware of which may be incorporated into vehicle production within the next 120 days.**

- A9. A detailed summary of design change information for the subject vehicle subject components is being submitted as Enclosure 8 – CONF BUS INFO to the Office of the Chief Counsel, under separate cover with a request for confidential treatment of information.

- 10. Produce or provide one of each of the following:**

- a. Any kits that have been released, or developed, by Chrysler for use in service repairs to the subject or related components/assemblies which relate, or may relate, to the alleged defect in the subject vehicles;**
- b. Engineering drawings of the entire hood latch system and its components.**
- c. One sample of the secondary hood latch for the subject vehicle.**

- A10.

- a. Latch Service kit part numbers 04864513 and CAXM9730 were released for Chrysler recalls 638 (95V-056) and 973 (01V-040) respectively. The CAXM9730 kit is identical to that being provided for Item c.
- b. Pursuant to agreement with Lawrence Hershman of NHTSA ODI on August 5, 2008, an annotated engineering graphic is being provided. See Enclosure 9 – ENGINEERING GRAPHIC.
- c. An exemplar sample of the secondary hood latch is being provided for the subject vehicle. This part has been shipped to Lawrence Hershman of NHTSA ODI on September 9, 2008 via UPS ground with tracking information provided by e-mail.

- 11. Describe the operational functioning of the hood latch system, including the secondary latch and other components.**

- A11. The subject vehicle hood latch design consists of a primary latching mechanism (that includes a latch and striker) and a separate secondary hood latch assembly. This secondary latch assembly consists of a steel "catch" or hook shaped component that is mounted to a bracket with return spring and attached to a connecting rod which articulates its movement when activated by the operator during hood opening. The secondary latch fits securely into an opening on the upper radiator support where the steel "catch" of the secondary latch provides engagement (due to the catch movement provided by the return spring).

Specifically, the operational functioning of the hood latch system is described as follows:

To open the hood, two latches must be released. First, to release the primary latch, the operator must pull the hood release lever located below the steering wheel at the base of the instrument panel in the occupant compartment of the vehicle. This disengages the primary latch from the striker and allows the hood to rise slightly until it engages the secondary latch. Once the primary latch is released, to fully open the hood the operator must reach into the opening beneath the center of the hood grille at the front of the vehicle and push up on the handle to articulate the connecting rod and release the secondary latch.

When closing the hood, it is important to prevent possible damage by not slamming it. Instead the operator is instructed to use a firm downward push at the front center of the hood to ensure that both latches engage.

Chrysler also informs vehicle owners to routinely lubricate the hood latch system for proper function and long term operation. Chrysler also warns vehicle owners to "be sure all hood latches are fully latched fully before driving". See Enclosure 10 – OWNER'S MANUAL PAGES for relevant pages of the Owner's Manual.

12. **State the number of each of the following that Chrysler has sold that may be used in the subject vehicles by component name, part number (both service and engineering/production), model and model year of the vehicle in which it is used and month/year of sale (including the cut-off date for sales, if applicable):**
- a. **Subject component(s)/assemblies; and**
  - b. **Any kits that have been released, or developed, by Chrysler for use in service repairs to the subject component/assembly.**

**For each component part number, provide the supplier's name, address, and appropriate point of contact (name, title, and telephone number). Also identify by make, model and model year, any other vehicles of which Chrysler is aware that contain the identical component, whether installed in production or in service, and state the applicable dates of production or service usage.**

- A12. Part sales information is included in Enclosure 11 – PART SALES. (Note that the system used to access part sales information only retains 5 years of data, so 2003 is the first row of information in the provided pdf files). It is impossible to determine what prompted these part sales. There are various circumstances that are not related to the alleged condition, yet still require sales/replacement of the subject components. For instance a frontal collision that damages the front grill area of the vehicle and secondary latch system would require a new secondary

latch, yet these purchases have no relationship to the condition alleged in this investigation. Chrysler has concluded that part sales data cannot be used to determine any trend related to the alleged condition.

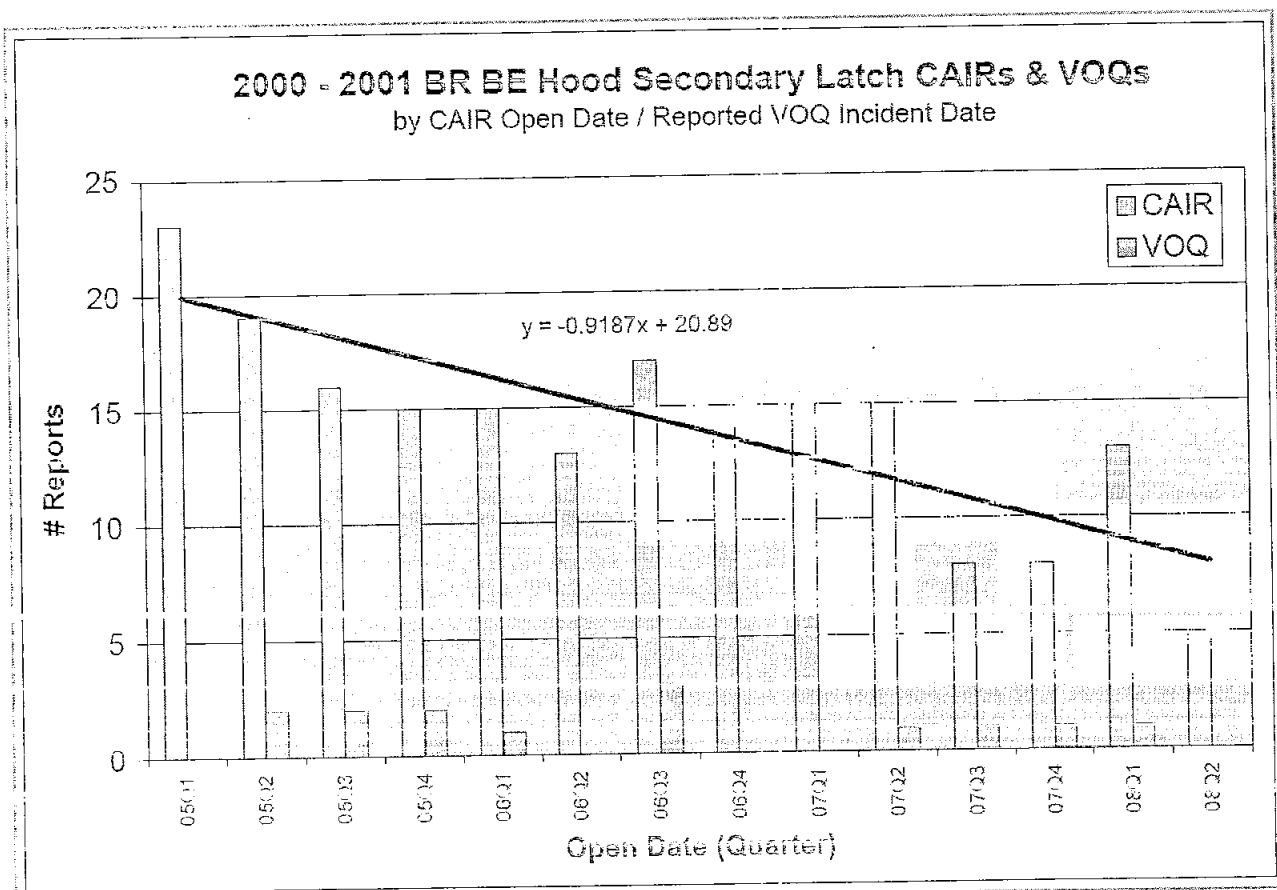
The Dodge Ram sold in non US markets use the same service secondary latch as the subject vehicle, as well as BR/BE vehicles built prior to (MY 1994 through 1999) and after (MY 2002) the subject vehicles.

13. Describe the similarities and differences between a) the hood latch components and hood problems that are the subject of this inquiry and the attached VOQs, and b) the hood latch components and problems on Dodge Ram pickup trucks that were the subject of prior safety recalls, including recall (NHTSA No.) 01V-040 of DaimlerChrysler Corporation MY 1994-1999 pickup trucks, and recall 95V-056 of Chrysler Corporation MY 1994-1995 pickup trucks, including failure modes and failed or malfunctioning components. These should include:
- a. All original production components of the hood latch system of the recalled vehicles;
  - b. All remedy/field replacement components of the hood latch system of the recalled vehicles;
  - c. All redesigned production components of the hood latch system of the recalled vehicles.
- A13. The requested information is included in Enclosure 12 – COMPARISON CHART.
14. Furnish Chrysler's assessment of the alleged defect in the subject vehicle, 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;
  - 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; and
  - f. The reports included with this inquiry.
- A14. Chrysler continues to assess this issue to determine root cause, scope and consequence. Initial assessments indicate that reports are concentrated in traditional salt belt states which comprise mostly the northern / northeastern US where road salt is typically used during the winter months. This finding contrasts somewhat with Chrysler testing of the subject components (identified in Q8) that indicates a secondary latching system in the subject vehicles that is more robust to corrosion than that of previously recalled BR/BE vehicles. The issue with previously recalled BR/BE vehicles was that the secondary latch design was susceptible to long term corrosion impeding the return spring function and

possibly allowing it to remain in the unlatched position. It is unclear whether this same condition is affecting the subject vehicles.

It seems appropriate, however, to point out two significant observations with the complaint data. First, the relative age of the subject vehicle at the time of the complaint is high. For instance, in excess of 100 complaints involve subject vehicles that had over 100,000 miles at the time of the incident. Some had mileages in excess of 200,000 miles. The second observation is the relative age of the complaints themselves. NHTSA ODI provided 30 VOQs upon opening this investigation; however, less than half of these reported incidents (14) have occurred in the last 4 calendar years (2005 through 2008).

In fact, since corrosion is always a progressively worsening condition, one would expect the complaint rates to be increasing in time if this was expected to be a significant issue in the future. But, review of the complaint data, both CAIR and VOQ, show a dramatically decreasing trend. It appears this issue, whatever the cause, has for the most part run its course.



Another significant fact ties into a potential root cause itself. Chrysler has performed field inspections on a significant number of the complaint vehicles provided with this response. A common observation noted in those inspections on subject vehicles exhibiting the alleged condition is the lack of maintenance and / or lubrication of the secondary hood latch. Chrysler is aware from the testing conducted (from Q8) that the stainless steel design is more robust to corrosion than the previous zinc coated carbon steel design. Furthermore, the testing also indicates that proper lubrication extends the successful secondary latch operation under corrosive conditions. Accordingly, Chrysler specifically references maintenance requirements / hood latching system lubrication in two different places in the subject vehicle Owner's Manual (page 187 and page 194). See graphics below.

**Page 187 Reference – Owner's Manual**

Hood latch release mechanism and safety catch —  
lubricate when performing other underhood maintenance.

**Page 194 Reference – Owner's Manual**

**Hood Latch, Release Mechanism and Safety Catch**  
When performing underhood services, clean and lubricate with Multipurpose Grease NLGI Grade 2EP.

It is also significant that both primary and secondary latches must be disengaged for a hood to move upward while driving. While there may be some long term corrosion issue with "non-maintained" secondary latches, there is no defect trend in the primary hood latch on the subject vehicles. Therefore, operators of the subject vehicles are responsible for any unheeded warning about ensuring primary latching of the hood before driving. This specific issue relates to the vast majority of the reports provided in this response. Chrysler specifically points to a warning in the owner's manual of the subject vehicles that operators are responsible to ensure that the hood is fully latched before driving. See graphic below.

**Page 67 Reference – Owner's Manual**

**WARNING**  
If the hood is not fully latched, it could fly up when the vehicle is moving and block your forward vision. Be sure all hood latches are latched fully before driving.

The field data strongly suggests that, in the unlikely event a hood became unsecured while driving, two conditions were present: 1) the operator did not insure that the hood was properly secured by the primary latch; and 2) there was evidence that the secondary latch assembly could not function as designed because it was not properly lubricated, particularly on high mileage vehicles. The average mileage of a reported incident is approaching 70,000 miles. It is important to highlight, however, that the improper use and maintenance of the hood latch system has not posed an unreasonable safety risk to operators. Out of the 772,120 subject vehicles in the field for 8 to 9 years, there have in excess of 30 million passenger miles driven in the subject vehicles with no reports of injury or fatality. Furthermore, there were only two minor accident reports and only 4 claims of minor property damage.

Therefore, in light of this information along with the prominently declining complaint rate, Chrysler believes that this issue does not present an unreasonable risk to motor vehicle safety.



**Stephan J. Speth**  
Director  
Vehicle Compliance & Safety Affairs

September 12, 2008

Mr. Anthony M. Cooke  
Office of Chief Counsel (NCC-111)  
National Highway Traffic Safety Administration  
1200 New Jersey Ave., SE, Room W41-227  
Washington, DC 20590

Re: Request for Confidential Treatment of Business Information Submitted in PE08-047

Dear Mr. Cooke:

Chrysler LLC ("Chrysler") is submitting information on CDs to the NHTSA office of Defect 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 Enclosures 7 and 8 consist of confidential business information that should be accorded confidential treatment under this agency's regulations at 49 C.F.R. Part 512 and Exemption 4 of the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552(b)(4).<sup>1</sup> Therefore, Chrysler is submitting these CDs 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 business information for which confidential treatment is being sought in Enclosure 7-Conf Bus Info – consists of three summaries of testing procedures and results (hood latch secondary BR.pdf; Bates page #PE08-047-Chrysler-0002-0004, LTR 109038 BR hood latch.pdf; Bates page #PE08-047-Chrysler-0005-0062, and 110190mr.pdf; Bates page #PE08-047-Chrysler-0063-0068). Enclosure 8-Conf Bus Info – consists of the design and

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<sup>1</sup> Chrysler has taken steps to assure that the CDs 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.



material changes and the reasons for the changes of the subject components (Change History.pdf; Bates page #PE08-047-Chrysler-0001).

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

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.

The testing data and summary would give competitors insight into Chrysler's testing standards and criteria for its designs. This information would provide competitors insights into Chrysler's operational strengths and allow them to develop their own design criteria and test standards and procedures without incurring the substantial expense typically required for independent design and test development. Consequently, the release of this information would enable competitors to compete more effectively against Chrysler and cause Chrysler substantial competitive harm.

The change history would reveal information about the design and manufacturing process changes to the subject component, the timing of such changes, the reasons for the changes, and the process by which such changes were made. Thus, these documents reveal information about the design and the manufacturing process, as well as Chrysler's lead-time and operational capacity information, which could enable competitors to improve their own

designs and manufacturing processes, evaluate Chrysler's operational strengths, and compete more effectively against Chrysler.

**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

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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: Thomas Cooper

Attachment and Enclosures

### **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;

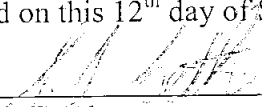
(4) This certification is based on the information provided by the responsible Chrysler LLC personnel who have authority in the normal course of business to release the information for which a claim of confidentiality has been made to ascertain whether such information has ever been released outside 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 12<sup>th</sup> day of September, 2008

  
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Stephan J. Speth