

*Ford Motor Company*

NHTSA  
WASHINGTON, DC 20590

2004 MAR 24 P 4 43

OFFICE OF CHIEF  
COUNSEL

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

March 23, 2004

Ms. Jacqueline Glassman, Esq.  
Chief Counsel  
National Highway Traffic Safety Administration  
400 Seventh Street, S.W.  
Washington, DC 20590

Dear Ms. Glassman:

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

This letter provides support for Ford Motor Company's (Ford) claim of confidentiality, in accordance with 49 CFR Part 512.8 and 512.15, for the following Ford documents:

1. A presentation entitled "ODI\_26\_Feb\_04\_For ODI.ppt";
2. A chart entitled "ODI 211 Summary Matb.xls" summarizing key aspects of Ford's investigation regarding several claims potentially relating to the brake pressure switch concern.

These documents were created for a Ford presentation made during a February 26, 2004 meeting between Ford personnel and representatives from the Office of Defects Investigation, and follow-up questions following that presentation. Support for this claim of confidentiality is provided below, and in Appendix A to this letter, a Certificate of R. A. Nevi, Manager, Production Vehicle Safety and Compliance, Automotive Safety Office.

**Ford is entitled to confidential treatment of this document because it contains confidential and commercially sensitive information that is being provided to NHTSA voluntarily, and is not customarily released to the public by Ford.**

Ford asserts that this document is being produced voluntarily because its production is not required by the referenced inquiry directed to Ford. Nevertheless, Ford believes that NHTSA's possession of this record will facilitate its analysis in this investigation. Moreover, as a commercially sensitive document, Ford states that records of this type are not customarily disclosed to the public.

Pursuant to NHTSA's regulations, each page has been marked "CONFIDENTIAL" in the top margin.



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). Upon reasonable investigation, Ford states that neither NHTSA nor other Federal agencies nor Federal courts have made determinations relating to the confidentiality of the submitted information, to the best of our knowledge.

Ford requests that this document be granted confidential treatment by the agency for a period of ten years. Earlier disclosure of this document, 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 notices to Mr. Robert O'Donnell, Ford Motor Company, Suite 1400, Parklane Towers West, Three Parklane Blvd., Dearborn, MI 48126, telephone (313) 248-8888, e-mail: rodonnell@ford.com. Thank you for your continuing courtesy.

Sincerely,



James P. Vondale

Attachments

**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 Manager, Production Vehicle Safety and 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 document contained in the attachment to Ford's letter to NHTSA's Office of the Chief Counsel dated March 23, 2004 contains confidential and proprietary data and is submitted voluntarily 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 of 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 23rd day of March, 2004.



R. A. Nevi