

Ford Motor Company

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OFFICE OF
DEFECTS INVESTIGATION

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

April 2, 2003

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

Dear Ms. Glasman:

Subject: Request Under 49 C.F.R. Part 512 for Confidential Treatment of Information

Attached are two copies of information referenced in the Ford Motor Company (Ford) March 10, 2003 response to NHTSA's inquiry EA02-027. This letter provides support for Ford's claim of confidentiality in accordance with 49 C.F.R. Part 512.4 (b).

Ford requests confidential treatment for the documents (paper, CDs and video) in the boxes labeled Appendix B - Confidential, Appendix C - Confidential, and Appendix D - Confidential which contain confidential commercial information exempt from disclosure pursuant to 49 C.F.R. § 512.4-6, 5 U.S.C. § 552(b)(4), and 49 U.S.C. § 30167. Please see Attachment A - Certificate in Support of Request for Confidentiality.

Ford requests confidential treatment for these documents, because public disclosure of the complete information would be likely to result in substantial competitive harm to Ford. These documents include information responsive to Request B. Appendix B - Confidential consists of seven boxes containing confidential paper documents that were collected from the principal members of the team with primary responsibility for determining the root causes of reported 3.0L V6 engine stalling. Appendix C - Confidential consists of 31 boxes of confidential paper documents, one video cassette, and one box of CD-ROMs containing confidential information in electronic form that were collected from other Ford personnel who had information responsive to the alleged defect. Appendix D - Confidential contains a non-confidential privilege log and copies of related redacted documents. These appendices contain confidential information as follows:

- Information from Ford Suppliers that has been shared with Ford under the terms of a confidentiality agreement.
- Testing data that reveals Ford specifications, requirements, or engineering analysis.
- Future model year data.
- Analytical Warranty data, including R41000 information.



~~Information, including failure mode effects and analysis papers,
Failure collection information~~

Documents of the type in Appendix B – Confidential, C – Confidential, and D – Confidential 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 C.F.R. Part 512.4(e). Neither NHTSA nor other Federal agencies nor Federal courts have made determinations relating to the confidentiality of the submitted information or similar information, to the best of our knowledge.

These documents contain commercial information and are exempt from disclosure pursuant to 49 C.F.R. § 512.4-6, 5 U.S.C. § 552(b)(4), and 49 U.S.C. § 30167. Given the large number of documents being produced, and the limited amount of time in which to respond to this inquiry, marking each item of information that is claimed to be confidential with brackets was not feasible. For documents that contain confidential information, each page of such documents have been labeled as "Entire Page Confidential." CD-ROMs and the video cassette that contain some confidential information have been labeled as "Confidential". These notations on the confidential documents were made as part of this response.

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 notices to Mr. Paul Fabien, Ford Motor Company, Suite 1400, Parklane Towers West, Three Parklane Blvd., Dearborn, MI 48126, telephone (313) 621-1656, e-mail: pfabien2@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 C.F.R. 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 information contained in the attachment to Ford's letter to NHTSA's Office of the Chief Counsel dated April 2, 2003 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 who have signed Confidential Disclosure agreements and have a business need to receive relevant portions of this information.
 - 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 2nd day of April, 2003.



R. A. Nevi