

*Ford Motor Company*

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

CHIEF  
COUNSEL

July 18, 2005

Ms. Jacqueline Glassman, Esq.  
Office of the Chief Counsel  
National Highway Traffic Safety Administration  
400 Seventh Street, S.W.  
Washington, D.C. 20590

Dear Ms. Glassman:

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

This amended request for confidential treatment replaces our June 2, 2005 request for confidential treatment of documents submitted in response to EA04-034. Documents which were part of the June 2, 2005 submission that are not included here are being submitted directly to the Office of Defect Investigations (ODI) as a supplement to our June 1, 2005 ODI submission.

Two copies of confidential information referenced in the Ford Motor Company (Ford) June 1, 2005 response to the agency's April 19, 2005 inquiry, NVS-213day EA04-034, 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 E, G, J, L1 (hardcopy documents), L2, O, and P 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, and 5 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 organized into categories as set forth in Attachment I.

Ford documents of the types listed 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 similar information, to the best of our knowledge.

The documents in Appendices E, G, J, L1, L2, O, and P contain commercial information and are exempt from disclosure pursuant to 49 CFR § 512.15, 5 U.S.C. § 552(b)(4). Hard copy



July 18, 2005

"ENTIRE PAGE CONFIDENTIAL" or "CONFIDENTIAL" (for the latter designation, passages containing confidential portions of the content have been bracketed), as part of this response. Compact discs containing electronic copies of documents provided in Appendices E, G, J, L2, O, and P are labeled "CONFIDENTIAL". Copies of documents removed from Ford's confidentiality claim as part of this review are included for your reference, and are being provided to ODI.

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 Paul Fabien, Ford Motor Company, Suite 1400, Parklane Towers West, Three Parklane Blvd., Dearborn, Michigan 48126. Mr. Fabien may also be contacted by telephone at (313) 621-61656 or by e-mail at [pfabien2@ford.com](mailto: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 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 July 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 July 2005.



R. A. Nevi