



Automotive Safety Office  
Environmental and Safety Engineering

**Fairlane Plaza South**  
330 Town Center Drive  
Dearborn, MI 48126-2738 USA

April 13, 2009

Mr. Stephen P. Wood  
Acting Chief Counsel  
Office of the Chief Counsel  
National Highway Traffic Safety Administration  
1200 New Jersey Avenue, S.E. MW41-322  
Washington, D.C. 20590

NHTSA  
WASHINGTON, DC 20590  
2009 APR 15 P 4:37  
OFFICE OF CHIEF  
COUNSEL

Dear Mr. Wood:

Subject: Petition for Reconsideration of NHTSA's Partial Denial of Confidential Treatment of Documents Submitted in Response to EA06-020

Pursuant to 49 CFR Part 512.19, this is a petition for reconsideration of the agency's March 16, 2009, response to the July 9, 2008, request by Ford Motor Company (Ford) for confidential treatment of certain documents submitted in response to the agency's May 22, 2008, EA06-020 information request.

The agency denied Ford's request for confidential treatment of certain documents on the basis that they were provided in Spanish without an accompanying English translation. Pages marked EA06-020 1459-1472 were originally submitted by Ford with English translations of substantive, though not all, information contained within the documents. Review of the documents also found that a portion of the translated information within the table was partially obscured when printed. Please find in Appendix A, a revised copy of those documents containing a more complete and visible English translation, as well as copies of the documents as originally submitted that were denied confidential treatment.

The agency also denied confidential treatment of the page marked EA06-020 1436 as it was presented only in Spanish without an accompanying English translation. Ford notes that confidential treatment was not requested for this page. Nevertheless, to satisfy the requirement that such documents be accompanied by an English translation, a translated version is provided herein.

Ford has decided not to seek reconsideration of the agency's denial for confidential treatment of the page marked EA06-020 0086.

Some of the documents provided are Stabilus proprietary documents provided to Ford during the course of responding to this inquiry. The supplier certificate was previously provided in



Ford's response dated July 9, 2008. This letter provides support for Ford's claim of confidentiality in accordance with 49 CFR Part 512.8. Ford requests confidential treatment for those documents because they are not customarily released to the public and because the documents contain confidential business information, the disclosure of which would likely cause substantial competitive harm (as contemplated in 49 CFR § 512.15 and 5 U.S.C. § 552(b)(4)).

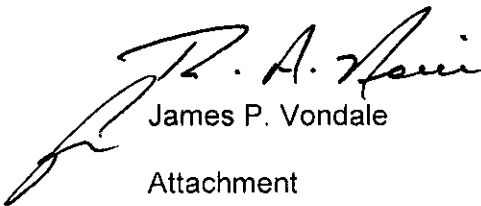
These documents are maintained under a record keeping system that is intended to control dissemination of this material within Ford, and to assure that the material is not disseminated outside of Ford, except as described in the certification provided in our July 9, 2008, submission, which was made pursuant to 49 CFR Part 512.4(b). With the exception of the agency's letter from which Ford makes this request for reconsideration, 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 have been stamped "ENTIRE PAGE CONFIDENTIAL BUSINESS INFORMATION" along the top margin, 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 written notices to me at Ford Motor Company, Suite 400, Fairlane Plaza South, 330 Town Center Drive, Dearborn, Michigan 48126. Please direct all non-written communication to Ms. Kara Tertzag-Lividini who may be contacted by telephone at (313) 323-8559.

Thank you for your continuing courtesy.

Sincerely,



James P. Vondale

Attachment



NHTSA  
WASHINGTON, DC 20590

2008 JUL 11 P 3:47

**James P. Vondale, Director**  
Automotive Safety Office  
Environmental & Safety Engineering

OFFICE OF CHIEF  
COUNSEL

**Fairlane Plaza South**  
330 Town Center Drive  
Dearborn, MI 48126-2738 USA

July 9, 2008

Mr. Anthony M. Cooke  
Chief Counsel  
Office of the Chief Counsel  
National Highway Traffic Safety Administration  
1200 New Jersey Avenue, S.E.  
Washington, D.C. 20590

Dear Mr. Cooke:

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

Two copies of confidential information referenced in the Ford Motor Company (Ford) July 9, 2008, response to the agency's May 22, 2008, peer inquiry, EA06-020, are attached. Also Attachment 3, for your reference, is a copy of the non-confidential portion of Ford's response to the Office of Defect Investigations (ODI) 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 Appendix M 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, 5 and 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 2.

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 (Attachment 1), which is made pursuant to 49 CFR Part 512.4(b).

Compact discs containing electronic copies of documents provided in Appendix M are labeled "CONFIDENTIAL" and documents contained in the electronic files are marked either "ENTIRE PAGE CONFIDENTIAL BUSINESS INFORMATION" or "CONFIDENTIAL BUSINESS INFORMATION" as appropriate, in the top margin, as part of this response.



Mr. Anthony Cooke

-2-

July 9, 2008

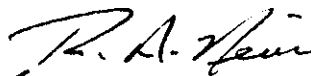
These documents contain commercial information and are exempt from disclosure pursuant to 49 CFR § 512.15, 5 U.S.C. § 552(b)(4). The pages of the documents for which Ford requests confidential treatment are labeled as described previously.

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 written notices to me at Ford Motor Company, Suite 500, Fairlane Plaza South, 330 Town Center Drive, Dearborn, Michigan 48126. Please direct all non-written communication to Mr. Paul Fabien who may be contacted by telephone at (313) 621-1656.

Thank you for your continuing courtesy.

Sincerely,



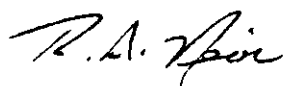
James P. Vondale

Attachment

**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 this certificate on its behalf;
2. The information contained in the attachment to Ford's letter to NHTSA's Office of the Chief Counsel dated July 9, 2008, 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 ninth day of July, 2008.

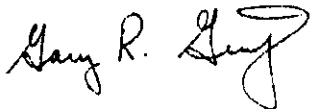


R. A. Nevi

**CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY**

I, Gary Greib, pursuant to the provisions of 49 CFR Part 512, state as follows:

- (1) I am the Manager of Product Investigations and Safety Affairs, and I am authorized by Delphi Corporation (Delphi) to execute this certificate on its behalf;
- (2) I certify that the information referenced on Attachment I that is being submitted to the agency by Ford Motor Company in connection with NHTSA investigation EA06-020 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) (as incorporated by reference in and modified by the statute under which the information is being submitted);
- (3) I hereby request that the information referenced on Attachment I be protected indefinitely;
- (4) This certification is based on the information provided by the responsible Delphi 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 Delphi;
- (5) Based upon that information, to the best of my knowledge, information and belief, the information for which Delphi has claimed confidential treatment has never been released or become available outside Delphi, except as hereinafter specified: to the customer, Ford Motor Company.
- (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 Delphi 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 7<sup>th</sup> of July 2008.

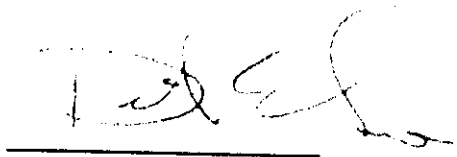


Gary R. Greib  
Manager, Product Investigations and Safety Affairs  
Delphi Corporation

**CERTIFICATE IN SUPPORT OF REQUEST  
FOR CONFIDENTIALITY**

I, David E. Sabet, pursuant to the provisions of 49 CFR Part 512, state as follows:

1. I am Director, Application Engineering, of Stabilus and I am authorized by STABILUS to execute this certificate on its behalf;
2. I certify that the information contained in the documents referenced on Attachment I that is being submitted to the agency by Ford Motor Company in connection with NHTSA investigation EA06-020 is confidential and proprietary data that is entitled to confidential treatment under 5 U.S.C., § 552(b)(4);
3. I hereby request that the information contained in the documents be protected for a period of Ten (10) years.
4. This certification is based on the information provided by the responsible STABILUS 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 STABILUS ;
5. Based upon such inquiries, to the best of my knowledge, information and belief, the information for which STABILUS has claimed confidential treatment has never been released or become available outside STABILUS except as hereinafter specified:
  - Portions of these documents may have been or may be shared with Ford Motor Company with the expectation that they will be kept confidential.
  - During the course of defending itself in litigation, STABILUS 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 STABILUS 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 9<sup>th</sup> day of July, 2008.

  
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