



NHTSA
WASHINGTON, DC 20590

2008 OCT 14 P 4: 47

OFFICE OF CHIEF
COUNSEL

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

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

October 10, 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

Subject: Petition for Reconsideration of NHTSA's Partial Denial of Confidential Treatment of Documents Submitted in Response to PE07-057/NVS-214BBY

Dear Mr. Cooke:

Pursuant to 49 CFR Part 512.19, this is a petition for reconsideration of the agency's August 26, 2008, response to the February 7, 2008, request by Ford Motor Company (Ford) for confidential treatment of certain documents submitted in response to the agency's November 26, 2007, inquiry, PE07-057.

Based on our review of your August 26 letter and our re-review of the documents in question, Ford is now respectfully requesting the agency to reconsider its decision regarding some of the documents for which it previously denied confidential treatment.

For convenience, Ford is re-submitting all of the documents for which it previously sought confidentiality. However, some of these documents have been reclassified into non-confidential categories. The two enclosed CDs each contain the documents which have been re-categorized into eight categories: Tab A Revised Conf Bus Info Six Sigma, Tab B Revised Conf Bus Info Cost Financial, Tab C Revised Conf Bus Info Test Reports, Tab D Revised Conf Bus Info Warranty, Tab E Non-Conf Bus Info Six Sigma, Tab F Non-Conf Bus Info Test Procedures, Tab G Non-Conf Bus Info Test Reports, and Tab H Non-Conf Bus Info Warranty. The confidential stamp has been removed from those pages for which Ford is no longer seeking confidential treatment. Ford seeks reconsideration of only the documents in Tab C. (The agency previously granted confidential status to the documents contained in Tabs A, B, and D). Please note that the Bates numbers have not been changed from Ford's February 7, 2008, submission.

The agency denied Ford's request for confidentiality as to the documents contained in the category described as Conf Bus Info Test Reports on the grounds that Ford's request did not



include an explanation as to "how and why release of many of the documents in this file could be used by competitors to improve their products". The documents from this category for which Ford continues to seek confidentiality are contained in Tab C. This letter and the attachment provide the requested support for Ford's claim of confidentiality in accordance with 49 CFR Part 512.8. Ford requests confidential treatment for certain documents included in Appendix J (filename: 2008-10-10 Confidential and Non-Confidential Appendix J) 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 I.

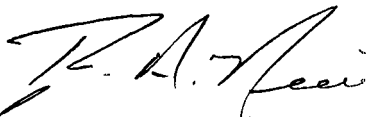
Ford information of the types listed are maintained under a record keeping system which is intended to control dissemination of this material within Ford, and to assure that the material is not disseminated outside of Ford, except as described in the attached certification, which is made pursuant to 49 CFR Part 512.4(b). 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. If part of a page contains confidential information, the confidential portion has been bracketed by hand and marked with the letter "C", and the top margin has been stamped "CONFIDENTIAL BUSINESS INFORMATION." If an entire page of a hard copy or electronic document contains confidential information, it has been stamped "ENTIRE PAGE CONFIDENTIAL BUSINESS INFORMATION" along the top margin. 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 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 Ms. Kara Tertzag-Lividini who may be contacted by telephone at (313) 323-8559.

Thank you for your continuing courtesy.

Sincerely,



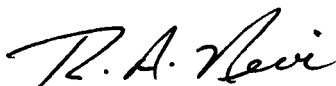
James P. Vondale

Attachments
Enclosures

**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 October 10, 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 10th day of October, 2008.



R. A. Nevi

Request for Confidential Treatment of Documents

Tab	Document Type	Document Description	Reason for Confidential Treatment
A	6-Sigma Studies	Studies by Ford Motor Company engineers or supplier engineers using Ford Motor Company procedures which analyze the root cause of consumer quality complaints.	Information concerning Ford's confidential business practices and methods for recognizing, determining root cause, preventing future concerns, and other commercially sensitive information concerning Ford's business processes that was developed at the expense of Ford, and could be used by competitors to improve their own products and processes without the need to invest the substantial resources invested by Ford.
B	Cost	Documents containing Ford Motor Company financial information.	Information concerning the financial impact to Ford of the underlying issue that could be used by competitors to identify quality issues and modify competitive strategies to the detriment of Ford.
C	Test Results / Reports / Analysis	Documents containing the results of engineering testing conducted by Ford Motor Company, or on behalf of Ford Motor Company by a third party vendor or supplier.	Ford would suffer substantial competitive harm if the information for which it seeks confidentiality is made available to its competitors, because its competitors face the same or similar design challenges that Ford is seeking to study or solve through its testing. Indeed, information concerning or revealing Ford's testing programs, including test methods, analysis, tools, test subjects, specifications and results, could be used by competitors to improve their own products and processes without the need to invest the substantial resources invested by Ford. For example, competitors would have a head start on their own design and development processes if allowed to freely acquire the knowledge gained by Ford through its testing. Based on the results of Ford's testing, a competitor might choose to alter, or even skip its own testing plans.
D	Warranty Analysis	Studies by Ford Motor Company engineers using internal Ford Motor Company format which study and analyze warranty data trends in an effort to determine the root cause of consumer complaints.	Information concerning Ford's analysis of warranty data could be used by competitors to identify quality issues and modify competitive strategies to the detriment of Ford without the need to invest the substantial resources invested by Ford.