



**James P. Vondale, Director**  
Automotive Safety Office  
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**Fairlane Plaza South**  
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Dearborn, MI 48126-2738 USA

April 29, 2009

Mr. Stephen P. Wood  
Acting Chief Counsel  
Office of the Chief Counsel  
National Highway Traffic Safety Administration  
1200 New Jersey Avenue, S.E., W41-322  
Washington, DC 20590

NHTSA  
WASHINGTON, DC 20590  
2009 MAY - 1 A 11: 24  
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 EA08-018**

Pursuant to 49 CFR Part 512.19, this is a petition for reconsideration of the agency's March 27, 2009 response to the November 21, 2008 request by Ford Motor Company (Ford) – as supplemented by letters dated January 6, 2009 and January 26, 2009 – for confidential treatment of certain documents submitted in response to the agency's September 29, 2008 inquiry, EA08-018.

The agency denied Ford's request for confidentiality on two pages in the "Warranty Analysis" folder (EA08-018 00125-00126) of "2008-11-21 Confidential Appendix K" on the grounds that, "[t]hese analyses reflect industry standard practices and the methodology used is not novel or complex." For those two pages, Ford has decided not to seek reconsideration of the agency's denial for confidential treatment.

The agency further denied Ford's request for confidentiality for the entire "Supplier Documents" folder (EA08-018 00063-00097) of "2008-11-21 Confidential Appendix K" on the grounds that the documents, "...are not marked as confidential nor are brackets used to designate portions of the document for which confidential treatment is sought." Ford has corrected the documents in question by stamping them as "ENTIRE PAGE CONFIDENTIAL BUSINESS INFORMATION," where appropriate. With this petition for reconsideration, we are resubmitting the properly marked documents electronically in Appendix A (folder name: 2009-04-29 Confidential Appendix A). For your convenience, we are also including a copy of the supplier certificate in support of request for confidentiality that was submitted with our November 21, 2008 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 A because the documents 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, 5 and U.S.C. § 552(b)(4)).

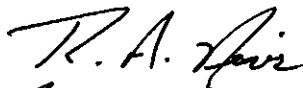
The categories of information listed on the attachment are maintained under a record keeping system which is intended to control dissemination of this material, and to assure that the material is not disseminated, except as described in the attached certification, which is made pursuant to 49 CFR Part 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.

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

Attachment

Certificate in Support of Request for Confidentiality

I, Byrd Douglas Cain, III pursuant to the provisions of 49 CFR part 512, state as follows:

1. I am CFO, of Mubea, Inc., and I am authorized by Mubea to execute this certificate on its behalf.
2. I certify that the information contained in the documents referenced on the attached schedule that is being submitted to the agency by Ford Motor Company in response to NHTSA investigation PE07-057 is confidential and proprietary data that it is entitled to confidential treatment under 5 U.S.C. 552(b)(4). The basis for the claim of confidentiality is that the information contains confidential data, specifications, testing results and other commercial information that belongs to Mubea and was delivered to Ford with an expectation of confidentiality.
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 Mubea 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 of Mubea.
5. Based upon the information, to the best of my knowledge, information and belief, the information for which Mubea has claimed confidential treatment has never been released or become available outside Mubea, except as hereinafter specified.
  - Portions of these documents may have been or may be shared with Ford and/or other customers or suppliers of Mubea with the expectation that they will be kept confidential.
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 Mubea.
7. I certify under penalty of perjury that the foregoing is true and correct.

Executed on this 3rd day of November, 2008.

Byrd Douglas Cain, III CFO