

# NISSAN

NHTSA  
WASHINGTON, DC 20590

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OFFICE OF CHIEF  
COUNSEL

**NISSAN NORTH AMERICA, INC.**

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Franklin, TN 37067

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Franklin, TN 37068-5001

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March 14, 2009

Otto Matheke, Esq.  
Office of Chief Counsel  
National Highway Traffic Safety Administration  
NCC-111, W41-227  
1200 New Jersey Avenue, S.E.  
Washington, D.C. 20590

**Request for Reconsideration of Denial of Confidentiality for Certain Documents Provided  
in Response to PE08-045**

Dear Mr. Matheke:

In your response to Nissan's request for confidential treatment for documents pertaining to PE08-045, that request was denied for certain documents. These documents were either improperly marked, or were third party documents lacking the requisite third party certifications.

Regarding the improperly marked documents, Nissan has attached a .pdf file which contains all of the confidential attachments, including scanned copies of pages E91-E291 which were omitted from the September 29<sup>th</sup> submission. This file should supersede all of the previous documents submitted on September 15<sup>th</sup> and September 28<sup>th</sup>, 2008. Pages E254-E261 and E264-E274 are now marked properly and Nissan requests that you reconsider your denial of confidential treatment for the information on these pages.

Also attached are the third party certifications for both Excel Polymers and Akron Rubber Development Laboratory Inc. We request that you reconsider the denial of confidential treatment for pages E14-E16, E126-E146 and E262-E263 based on the inclusion of the appropriate certification certificates.

Should you or your staff have any questions or concerns regarding this request, please contact me at (615) 725-6394. Thank you for your consideration in this matter.

Sincerely,



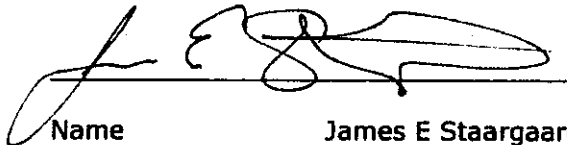
John Gibbons  
Senior Manager, Technical Compliance  
Nissan North America, Inc.

Enclosures

**CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY**

I, James Staargaard, pursuant to the provision of 49 CFR 512, state as follows:

- (1) I am, James Edwin Staargaard, Vice-President & General Manager Transportation Business Unit and I am authorized by Excel Polymers, LLC to execute this document;
- (2) I certify that the information contained in the attached documents is confidential and proprietary data and is being submitted with the claim that it is entitled to confidential treatment under 5 U.S.C. Section 522(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 contained in Nissan's response be protected on a permanent basis;
- (4) This certification is based on the information provided by the responsible Excel Polymers, LLC 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 Excel Polymers, LLC;
- (5) Based upon that information, to the best of my knowledge, information and belief, the information for which Nissan has claimed confidential treatment has never been released or become available outside Nissan or its suppliers.
- (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 Nissan because of unauthorized or inadvertent disclosure; and
- (7) I certify under penalty of perjury that the foregoing is true and correct. Executed on this 5th day of March 2009.



Name  
Title/Position  
Company

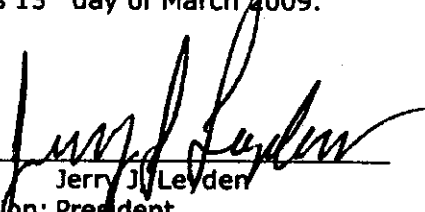
James E Staargaard  
Vice-President & General Manager Transportation Business Unit  
Excel Polymers, LLC

**CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY**

**DOCUMENT: TEST REPORT PN 77375 (2 PAGES) DATED 2/13/08**

I, Jerry Leyden, pursuant to the provision of 49 CFR 512, state as follows:

- (1) I am, Jerry J. Leyden, President, and I am authorized by Akron Rubber Development Laboratory, Inc. (ARDL) to execute this document;
- (2) I certify that the information contained in the attached documents is confidential and proprietary data and is being submitted with the claim that it is entitled to confidential treatment under 5 U.S.C. Section 522(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 contained in Nissan's response be protected on a permanent basis;
- (4) This certification is based on the information provided by the responsible ARDL 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 ARDL;
- (5) Based upon that information, to the best of my knowledge, information and belief, the information for which ARDL has claimed confidential treatment has never been released or become available outside ARDL.
- (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 ARDL because of unauthorized or inadvertent disclosure; and
- (7) I certify under penalty of perjury that the foregoing is true and correct. Executed on this 13<sup>th</sup> day of March 2009.

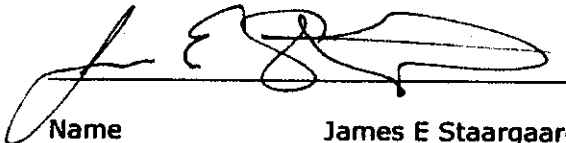
  
Name: Jerry J. Leyden  
Title/Position: President  
Company: Akron Rubber Development Laboratory, Inc.

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**CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY**

I, James Staargaard, pursuant to the provision of 49 CFR 512, state as follows:

- (1) I am, James Edwin Staargaard, Vice-President & General Manager Transportation Business Unit and I am authorized by Excel Polymers, LLC to execute this document;
- (2) I certify that the information contained in the attached documents is confidential and proprietary data and is being submitted with the claim that it is entitled to confidential treatment under 5 U.S.C. Section 522(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 contained in Nissan's response be protected on a permanent basis;
- (4) This certification is based on the information provided by the responsible Excel Polymers, LLC 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 Excel Polymers, LLC;
- (5) Based upon that information, to the best of my knowledge, information and belief, the information for which Nissan has claimed confidential treatment has never been released or become available outside Nissan or its suppliers.
- (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 Nissan because of unauthorized or inadvertent disclosure; and
- (7) I certify under penalty of perjury that the foregoing is true and correct. Executed on this 5th day of March 2009.



Name  
Title/Position  
Company

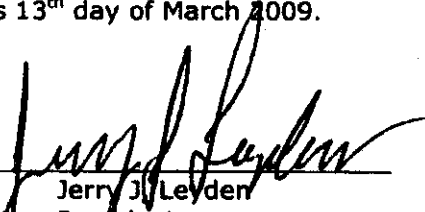
James E Staargaard  
Vice-President & General Manager Transportation Business Unit  
Excel Polymers, LLC

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- (3) I hereby request that the information contained in Nissan's response be protected on a permanent basis;
- (4) This certification is based on the information provided by the responsible ARDL 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 ARDL;
- (5) Based upon that information, to the best of my knowledge, information and belief, the information for which ARDL has claimed confidential treatment has never been released or become available outside ARDL.
- (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 ARDL because of unauthorized or inadvertent disclosure; and
- (7) I certify under penalty of perjury that the foregoing is true and correct. Executed on this 13<sup>th</sup> day of March 2009.

  
Name: Jerry J. Leyden  
Title/Position: President  
Company: Akron Rubber Development Laboratory, Inc.