

Federal Express

November 11, 2011

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OFFICE OF CHIEF
COUNSEL

Office of the Chief Counsel
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
1200 New Jersey Ave., SE
Washington, DC 20590

**Re: NHTSA November 3, 2011 Request for Information
Fit and CR-V Power Window Master Switch Failure Analyses**

Dear Chief Counsel:

Enclosed for your consideration is a Request for Confidentiality for information related to the matter referenced above. The specified information was requested by Messrs. John Abbott and D. Scott Yon of the Vehicle Integrity Division of the National Highway Traffic Safety Administration's (NHTSA) Office of Defects Investigation. This submission pertains to our response to their request.

The voluntary response of Honda to Messrs. Abbott and Yon's request contains certain business confidential and proprietary information, which is not being provided pursuant to regulatory requirements or any exercise of NHTSA's power to compel the production of information. Therefore, this information is being submitted under a Request for Confidentiality, and we are requesting that NHTSA not release the confidential information for public record for an indefinite period of time.

The specific information for which confidentiality is requested is:

Confidential Information	Pages	Reason for Confidentiality
Fit and CR-V master switch liquid penetration analyses	Slide 3: specified information	Proprietary Information Voluntarily Provided
Fit and CR-V water penetration test results	Slide 4: specified information	Proprietary Information Voluntarily Provided
Fit and CR-V circuit board layout analyses	Slide 5: specified information	Proprietary Information Voluntarily Provided
Fit and CR-V circuit board layout test results	Slide 6	Proprietary Information Voluntarily Provided
CR-V circuit board testing methodology	Slide 7	Proprietary Information Voluntarily Provided
Verification of CR-V circuit board test results	Slide 8	Proprietary Information Voluntarily Provided
CR-V and Fit returned parts markets	Slide 9: specified information	Proprietary Information Voluntarily Provided
CR-V mechanism test behaviors	Slide 10	Proprietary Information Voluntarily Provided
Comparison of Fit and CR-V test results	Slide 11: specified information	Proprietary Information Voluntarily Provided

In compliance with 49 CFR section 512.8(a), justification for this Request for Confidentiality is as follows:

- Honda is voluntarily providing this confidential information solely in response to NHTSA's requests, which were not made pursuant to NHTSA's power to compel the production of information. This information is not being provided in response to any regulatory requirement or NHTSA's power to compel the production of information.
- Honda does not customarily release this confidential information to the public nor can this information be determined by analyzing publicly available Honda products. Further, Honda measures to protect the confidentiality of this information include physical, information systems, process, and management controls that limit access to this information to authorized personnel only. Additionally, company and departmental restrictions prevent disclosure of this information to individuals within and outside of Honda who do not have a need to know it.

This information is therefore entitled to confidential treatment pursuant to 49 CFR section 512.15(d).

Although not required for the confidentiality determination of voluntarily provided material, Honda also notes that public disclosure of the specified information would cause substantial competitive harm to the position of Honda in the marketplace. This confidential information, which results from significant investments Honda has made in research, development, intellectual property, and human resources over an extensive period of time, has independent economic value and affects the financial position, business operations, and strategic plans of Honda. Release of this information would give current or future competitors the unfair advantage of free access to Honda-specific knowledge that was acquired at great expense to Honda. Public disclosure thus would unjustly enrich Honda competitors, who could quickly adopt the Honda-proven test procedures and standards in lieu of investing the time and resources required to independently develop their own processes. In addition, disclosure would enable competitors to gain unearned insight into Honda test methodologies, analyses, conclusions, and the impact possible parts returns or recalls may have on certain Honda vehicles. As noted above, this information is not customarily released to the public and Honda takes numerous steps to keep the information from being known or released (even within Honda.) Hence, in addition to being entitled to confidential treatment under 49 CFR section 512.15(d), the information also is entitled to protection pursuant to sections 512.15(a) & (b).

As a result of the foregoing, Honda requests that NHTSA ensure this information is accorded confidential treatment and not released to the public for an indefinite period of time.

Please advise me of your decision on this matter at your earliest convenience.

Very truly yours,

AMERICAN HONDA MOTOR CO., INC.



Jay Joseph
Senior Manager
Product Regulatory Office

JWJ:dj

Enclosures

cc: John Abbott, Vehicle Integrity Division, Office of Defects Investigation
D. Scott Yon, Vehicle Integrity Division, Office of Defects Investigation

CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I Joseph W. Joseph, pursuant to the provisions of 49 CFR Part 512, state as follows:

- 1) That I am Senior Manager of the Product Regulatory Office of the American Honda Motor Co., Inc., and that I am authorized by American Honda Motor Co., Inc., and Honda Motor Co., Ltd. (Honda), to make the following representations to the National Highway Traffic Safety Administration (NHTSA) on behalf of Honda;
- 2) I certify that technical specifications and testing of the power window master switch systems of the Honda Fit and CR-V vehicles are confidential and proprietary and are being voluntarily submitted in response to NHTSA's request, which was not made pursuant to NHTSA's power to compel the production of information, with the claim that this information is entitled to confidential treatment under 5 U.S.C. 552(b)(4) (as incorporated by reference in and modified by statute under which the information is being submitted), 49 CFR section 512.15(d), and 49 CFR sections 512.15(a) & (b);
- 3) I hereby request that the specified information contained in the submitted documents be protected for an indefinite period of time;
- 4) That I have personally inquired of the responsible Honda employees, 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 Honda and its subsidiaries, and that Honda makes the following efforts to keep this information from being disclosed: physical, information systems, process and management controls that limit access to authorized personnel only, and company and departmental restrictions that prevent disclosure to individuals who do not have a need to know;
- 5) That based upon the responses to such inquiries, to the best of my knowledge, information, and belief, the information for which Honda has claimed confidential treatment has never been released or become available outside of Honda and its subsidiaries;
- 6) Based on information and belief, none of the information in the attached materials has been released outside of the governmental entity to which it is now being supplied;
- 7) That I make no representations beyond those contained in this certificate, and in particular I make no representations as to whether this information may have become available outside of Honda and its subsidiaries because of unauthorized or inadvertent disclosure, except as stated in Paragraph 5; and
- 8) I certify under penalty of perjury that the foregoing is true and correct.

Executed on this the 11TH day of November, 2011.



Joseph W. Joseph