

Federal Express

November 23, 2011

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

Re: **PE11-034**
2008-2010 Honda Odyssey Power Liftgate

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 Mr. D. Scott Yon, Chief of the Vehicle Integrity Division of the National Highway Traffic Safety Administration's (NHTSA) Office of Defects Investigation.

Our response to Mr. Yon's request contains certain business confidential and proprietary 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
1. Design specifications listed in the November 25, 2011 response letter	Page 8: identified fields in Question 9 response	Proprietary Information
2. The last six characters of Vehicle Identification Numbers	Question 8 Attachments: Page 4 of Document 1 and Page 2 of Document 2	Proprietary Information
3. Design requirement specifications (Japanese and English)	Question 9 Attachments	Proprietary Information: internal nomenclature; documentation coding; testing protocols, regime, criteria, and performance
4. Liftgate strut design drawing	Question 9 Attachment	Proprietary Information
5. Design drawings (Japanese and English)	Question 9 Attachments	Proprietary Information: internal nomenclature; testing methodologies, criteria, and results
6. Tailgate open stay design change, history, counter measure specifications	Question 10 Attachment: slides 2, 3, 5, 6, and 8 to 10.	Proprietary Information: production and development schedules; production, warranty, supplier cost information; decision making processes, criteria, and evaluations

In compliance with 49 CFR section 512.8, this Request for Confidentiality provides the following:

- (a) The information for which confidentiality is requested is summarized in the above chart and specifically identified on the enclosed documentation;

- (b) The submitted business confidential information is entitled to protection pursuant to sections 512.15(a) & (b);
- (c) The basis for the claim of confidentiality is as follows:
- (1) 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.
 - (2) 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.
- (d) Confidential information numbers 3, 4, and 5 in the chart listed on page one are engineering drawings and specifications that contain process and production data, such that the subject would not be manufactured without the confidential information except after significant reverse engineering; and
- (e) Confidential treatment is sought for an indefinite period of time.

As a result of the foregoing, pursuant to sections 512.15(a) & (b), 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

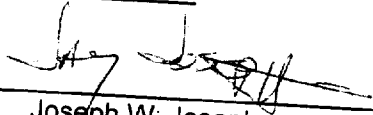
cc: Michael Lee Vehicle Integrity Division, Office of Defects Investigation
D. Scott Yon, Vehicle Integrity Division, Office of Defects Investigation

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 drawings; testing processes, criteria, and results; and production, warranty and supplier cost information of the power liftgate and strut systems of the 2008 to 2010 Honda Odyssey vehicles are confidential and proprietary and are being submitted 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), 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 23rd day of NOVEMBER, 2011.



Joseph W. Joseph