



Steve M. Kenner, Global Director  
Automotive Safety Office  
Sustainability, Environment & Safety Engineering

Fairlane Plaza South, Suite 400  
330 Town Center Drive  
Dearborn, MI 48126-2738

January 18, 2013

Mr. Oakley Kevin Vincent  
Chief Counsel  
Office of the Chief Counsel  
National Highway Traffic Safety Administration  
1200 New Jersey Avenue SE, Room W41-322  
Washington, DC 20590

Dear Mr. Vincent:

Subject: Request Under 49 CFR Part 512 for Confidential Treatment of Information  
Regarding PE12-033

This letter requests confidential treatment and supports Ford's claim of confidentiality for confidential business information in accordance with 49 CFR § 512.8 and 5 U.S.C. § 552(b)(4). Ford is submitting documents in response to the agency's November 19, 2012 request for information related to their PE12-033 investigation into alleged speed control cable collar attachment fracture at the mounting bracket resulting in a stuck throttle condition on 2000 through 2003 model year Ford Taurus and Mercury Sable vehicles.

Two copies of confidential information referenced in the Ford Motor Company (Ford) January 18, 2013 response to the agency's November 19, 2012 inquiry, PE12-033, are attached. For your reference, Attachment 1 is a copy of the non-confidential portion of Ford's response to the Office of Defects Investigation's information request.

Ford requests protection from public disclosure for the documents because the documents contain confidential business information within the meaning of 49 CFR § 512.3 and 512.15, and meet the following requirements:

1. The documents contain information that is not customarily released to the public by Ford.
2. Competitive Harm Test (established in *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974), and its progeny, and set forth in 49 CFR § 512.15(b)): The documents contain confidential business information, the public disclosure of which would likely cause substantial competitive harm to Ford as further explained below.

Documents provided in response to Requests 9, 13, and 15, in Appendix K, N1, and S, respectively, contain documents that include Cost, Design Verification Plan and Report (DVP&R), Engineering Design Drawings, Engineering Design Specifications, Root Cause Analysis, Test Procedures or Specifications, or Test Results/Reports/Analysis. Information of

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INVESTIGATIONS  
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this nature concerning or revealing Ford's design plans, testing and analysis could be used by competitors to improve their own products and processes without the need to invest similarly substantial resources and time as that invested by Ford. Ford's rationale for this request is further summarized in the table provided in Attachment 2. Ford notes that several engineering design drawings contained in Appendix K are "zoomed-in" views of other Ford design drawings despite the "zoomed-in" view not containing the Ford title block.

Ford documents of the types stated 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 (Attachment 3), which is made pursuant to 49 CFR § 512.4(b).

Certain information provided in Appendix K is proprietary and confidential information belonging to Kongsberg Automotive for which the attached (Attachment 4) certificate in support of request for confidentiality is made pursuant to 49 CFR Part 512. Dissemination of this material would cause substantial competitive harm to Kongsberg Automotive if not granted confidential status.

Certain information provided in Appendix S is proprietary and confidential information belonging to Link Vehicle Testing for which the attached (Attachment 5) certificate in support of request for confidentiality is made pursuant to 49 CFR Part 512. Dissemination of this material would cause substantial competitive harm to Link Vehicle Testing if not granted confidential status.

A compact disc containing copies of the documents is labeled "CONFIDENTIAL" and documents contained in the electronic files are marked either "ENTIRE PAGE CONFIDENTIAL BUSINESS INFORMATION" or "CONFIDENTIAL BUSINESS INFORMATION" as appropriate, in the top margin, as part of this response. Ford notes that these PDF documents were created using Adobe Acrobat 9.0 Professional and must be printed by selecting "document and comments" or "document and markups" in order to print the appropriate bracket markings.

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 400, Fairlane Plaza South, 330 Town Center Drive, Dearborn, Michigan 48126. Please direct all non-written communication to Emily E. Frascaroli, Esq. in Ford's Office of the General Counsel who may be contacted by telephone at (313) 845-1376.

Thank you for your continuing courtesy.

Sincerely,



*for* Steven M. Kenner

Attachments

**Certificate in Support of Request for Confidentiality**

I, Joseph Wells, pursuant to the provisions of 49 CFR part 512, state as follows:

(1) I am Joseph Wells, General Manager, for Link Vehicle Testing, Inc, and I am authorized by Link Vehicle Testing, Inc. to execute this certificate on its behalf.

(2) I certify that the information contained in the design drawing/material specification document submitted with this certification ("Decel vs MC Pressure, Decel vs Pedal Force and Decel vs Pedal Force with No Vacuum") is confidential and proprietary data that it is entitled to confidential treatment under 5 U.S.C. 552(b)(4) (as incorporated by reference in and modified by the statute under which the information is being submitted). Specifically, that document contains proprietary trade secret data concerning Vehicle Test Data. The vehicle test data has been sold to Ford, among other motor vehicle manufacturers, for use in motor vehicles. The document(s) also reflects the materials used in the manufacture of that vehicle test data. The design and other information reflected in the document is the product of the creative efforts of Link Vehicle Testing, Inc engineers. Public disclosure of this design information would cause competitive harm to Link Vehicle Testing, Inc.


(3) I hereby request that the information contained in the documents be protected for a period of ten years. Link Vehicle Testing, Inc still manufactures for automotive use the vehicle test data which the document relates.

(4) This certification is based on the information provided by the responsible Link Vehicle Testing, Inc. 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 Link Vehicle Testing, Inc.

(5) Based upon that information, to the best of my knowledge, information and belief, the information for which Link Vehicle Testing, Inc. has claimed confidential treatment has never been released or become available outside Link Vehicle Testing, Inc., except to the extent that the document information is shared with the entity that supplies the material used in the manufacture of the vehicle test data by Link Vehicle Testing, Inc. under circumstances such that the shared information is retained as confidential by that supplier and to the best of my knowledge has not shared with other persons or entities.

(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 Link Vehicle Testing, Inc.

(7) I certify under penalty of perjury that the foregoing is true and correct.  
Executed on this 14<sup>th</sup> day of January, 2013.

  
Name JOSEPH M. WELLS  
1/14/2013

## Request for Confidential Treatment of Documents

Document Type	Document Description	Reason for Confidential Treatment
Cost	Documents reflecting 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
Design Verification Plan and Report (DVP&R)	Internal Ford Motor Company documents reflecting test plans, procedures and results conducted by Ford Motor Company, or on behalf of Ford Motor Company by a third party vendor or supplier.	Information concerning or revealing Ford's testing programs, including test requests, 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.
Engineering Design Drawings	Ford Motor Company's and its suppliers' release level drawings of its vehicles, systems, sub-systems, and components.	The details contained in release level drawings contain Ford proprietary intellectual property and could be used by competitors to develop or improve their own products and processes without the need to invest the substantial resources invested by Ford.
Engineering Design Specifications	Internal Ford Motor Company document containing necessary information to be used by Ford and its suppliers to produce or evaluate parts which are usually issued in conjunction with engineering drawings during the design and development of its vehicles.	Information concerning Ford's engineering design processes could be used by competitors to develop or improve their own products and processes without the need to invest the substantial resources invested by Ford.
Other Root Cause Analysis	Internal studies by Ford Motor Company engineers, or on behalf of Ford Motor Company by a third party vendor or supplier conducted in an effort to determine the root cause of the alleged defect which is the basis of this investigation.	Information concerning assessments and evaluations conducted by suppliers or Ford could be used by competitors to improve or modify their products, processes, or supplier base without the need to invest the substantial resources invested by Ford to develop the information.
Test Procedures or Specifications	Internal test procedures developed by Ford Motor Company to be used by Ford and its suppliers to during the design and development of its vehicles.	Information concerning or revealing Ford's testing programs, including test requests, 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.
Test Results / Reports / Analysis	Documents reflecting the results of engineering testing conducted by Ford Motor Company, or on behalf of Ford Motor Company by a third party vendor or supplier.	Information concerning or revealing Ford's testing programs, including test requests, 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.

**CERTIFICATE IN SUPPORT OF REQUEST  
FOR CONFIDENTIALITY**

I, T. M. Fronckowiak, 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 this certificate on its behalf;
2. The information contained in the attachment to Ford's letter to NHTSA's Office of the Chief Counsel dated January 18, 2013, 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 18th day of January, 2013.




T. M. Fronckowiak

**Certificate in Support of Request for Confidentiality**

I, Ed Koontz, pursuant to the provisions of 49 CFR part 512, state as follows:

- (1) I am Ed Koontz, Engineering Manger NA & Driveline Cables for Kongsberg Automotive, Inc., the successor in interest to Teleflex, Inc , and I am authorized by Kongsberg Automotive, Inc. to execute this certificate on its behalf.
- (2) I certify that the information contained in the design drawing/material specification documents, design documents, and related email correspondence submitted with this certification (collectively, the "Documents") is confidential and proprietary data that it is entitled to confidential treatment under 5 U.S.C. 552(b)(4) (as incorporated by reference in and modified by the statute under which the information is being submitted). Specifically, the Document contain proprietary trade secret data concerning accelerator cables. The accelerator cables have been sold to Ford, among other motor vehicle manufacturers, for use in motor vehicles. The Document(s) also reflects the materials used in the manufacture of that accelerator cable. The design and other information reflected in the document is the product of the creative efforts of Kongsberg Automotive engineers. Public disclosure of this design information would cause competitive harm to Kongsberg Automotive.
- (3) I hereby request that the information contained in the Documents be protected for a period of ten years. Kongsberg Automotive still manufactures for automotive use the accelerator cable to which the Documents relate.
- (4) This certification is based on the information provided by the responsible Kongsberg Automotive 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 Kongsberg Automotive.
- (5) Based upon that information, to the best of my knowledge, information and belief, the information for which Kongsberg Automotive has claimed confidential treatment has never been released or become available outside Kongsberg Automotive, except to the extent that the Document information is shared with the entity that supplies the material used in the manufacture of the accelerator cable by Kongsberg Automotive or to customers who purchase the accelerator from Kongsberg Automotive, in each case under circumstances such that the shared information is retained as confidential by that supplier and to the best of my knowledge has not shared with other persons or entities.
- (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 Kongsberg Automotive.
- (7) I certify under penalty of perjury that the foregoing is true and correct.  
Executed on this 17<sup>th</sup> day of January, 2013.

  
Ed Koontz