



U.S. Department  
of Transportation

**National Highway  
Traffic Safety  
Administration**

# Memorandum

Subject: EA13-002, Honda Pilot VSA activation  
WebEx Meeting

Date: March 13, 2013

From: Stephen McHenry  
Investigator

Reply to  
Attn. of:

To: EA13-002 External File

On March 6, 2013 ODI and Honda conducted a WebEx meeting to review information related to EA13-002. The material presented by Honda was presented voluntarily and Honda has requested confidentiality on all the information provided; a copy of the Confidentiality Request follows.

Participants were:

Jeff, Quandt, Division Chief Vehicle Control Division  
Stephen McHenry, Investigator, VCD  
Kareem Habib, Investigator, VCD  
Michael Packard, Engineer, VRTC  
Duane Stoltzfus, Engineer, VRTC  
Jay Joseph, Honda Motor Co.  
Shinichi Yone, Honda Motor Co.

March 8, 2013

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

**Re: March 6, 2013 NHTSA Meeting – Supplemental Information  
Vehicle Stability Assist (VSA)  
Request for Confidentiality**

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. Jeff Quandt and Mr. Steve McHenry of the National Highway Traffic Safety Administration's (NHTSA) Office of Defect Investigation, Vehicle Control Division. This submission pertains to our response to their request.

As defined in 49 CFR 512.3, the enclosed business confidential information is voluntarily being presented to NHTSA and is not being provided pursuant to regulatory requirements or any exercise of NHTSA's power to compel the production of information. Accordingly, prior to discussing this confidential information, all participants agreed that the supplement information would be provided to NHTSA under a request for confidentiality.

The entire documentation (pages 1-34) list non-disclosed information pertaining to sensitive Honda data, research, analyses, and issues. This type of information is not customarily released to the public and is far more detailed and specific than information that is publicly available and is considered proprietary information. Thus, Honda is requesting confidentiality treatment of this information for an indefinite period of time.

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 pages 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 procedures and standards in lieu of investing the time and resources required to independently develop their own processes and gain unearned insight into the impact possible future regulations 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.

Respectfully,

AMERICAN HONDA MOTOR CO., INC.

A handwritten signature in blue ink, appearing to read "Jay Joseph", with a long horizontal flourish extending to the right.

Jay Joseph  
Senior Manager  
Product Regulatory Office

JWJ:nis

cc: Jeff Quandt, NHTSA  
Steve McHenry, NHTSA

Enclosure