INFORMATION REDACTED
PURSUANT TO THE FREEDOM OF
INFORMATION ACT (FOIA), 5 U.S.C.
552(B)(6)

HONDA

American Honda Motor Co., Inc.
1919 Torrance Boulevard
Torrance, CA 90501-2746
Phone (310) 783-2000

August 11, 2022

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

Re: Honda's IR Letter Response to PE22-003 (NEF-101tph)
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 is voluntarily being provided as the reply to certain requests by Ms. Sharon Yukevich, Division Chief for the VDD-A of the National Highway Traffic Safety Administration's (NHTSA) Office of Defect Investigation (ODI), to assist with the investigation for which a Preliminary Evaluation (PE22-003) was opened. This submission pertains to our response to her requests.

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.

The enclosed documents contain non-disclosed information pertaining to sensitive Honda 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 it is considered proprietary information. Thus, Honda is requesting confidential 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.

[redacted]

Jeff Chang
Senior Manager
Product Regulatory Office

JHC:bi

cc: Dan Rabinovitz, NHTSA
Sharon Yukevich, NHTSA

Enclosure

CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I Jeff Chang, 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 information in the attached documents are confidential and proprietary and is 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 information contained in the submitted documents be protected for an indefinite period of time;

4) That 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, have been queried 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 August, 2022.

[redacted]

Jeff Chang