

NUS-215
G. Person

OCT 11 2006

CERTIFIED MAIL—RETURN RECEIPT REQUESTED

Mr. Luc Guillemette
Service and Warranty Manager
Girardin Minibus, Inc.
Trans-Canada Highway
Drummondville, Quebec J2B 6V4

RE: Confidentiality Determination/Part 573 Report

Dear Mr. Guillemette:

This responds to your July 13, 2006 letter requesting confidential treatment for the number of involved vehicles in a Defect Information Report filed by Girardin Minibus, Inc. (Girardin) pursuant to 49 CFR Part 573. Specifically, Girardin asserts that release of the number of involved vehicles would be likely to cause substantial harm to the company's competitive position as the recall involves a model recently introduced to the marketplace. Girardin does not specify how long it wishes this information to be withheld.

I am denying your request.

Girardin was required to submit this defect information report by Section 30118 of Chapter 301 of Title 49 of the United States Code. Your request was reviewed under the competitive harm standard established in *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974), and its progeny. Under *National Parks*, information is confidential if its disclosure would be likely to cause substantial competitive harm to the submitter or to impair the government's ability to collect the information in the future.

Your letter states, in a conclusory fashion, that release of the number of involved vehicles would be likely to cause the company to suffer competitive harm. Your letter does not explain how this harm would occur or how the information would be of value to competitors. See 49 CFR §512.8. Accordingly, your request is denied.

If you disagree with this denial of your request, you may request reconsideration. If you seek reconsideration, your request must be addressed to NHTSA's Chief Counsel and filed within 20 working days after the receipt of this letter (49 CFR 512.19(a)). Any such

request should contain additional justification supporting your claims for confidential treatment consistent with 49 CFR Part 512 and applicable case law. If no written request is submitted pursuant to 49 CFR 512.19(a) within the required period of time, then the information is subject to being placed in the public file.

Sincerely,



Otto G. Matheke, III
Senior Attorney

NHTSA:NCC-111:Matheke:10/10/06:pll:
NCC-111 Subj/Chron: om, cyt **NCC06-004318 & NCC06-005430**
Info: NVS-215 George Person w/enclosures
M:misc06/girardin4318ogm.doc



TO:	Chief Counsel (Room 5219)	DATE:	07/14/2006
COMPANY:	NHTSA	FROM:	Luc Guillemette
FAX:	202-366-3820	FAX:	(819) 477-1848
TEL:	202-366-9511	TEL:	(819) 477-8222
TOTAL PAGES (including this page): 4			

Object: Request of Confidentiality

Please find enclosed a request of confidentiality regarding the information written on point 3 of PART 573 Defect and Noncompliance Responsibility and Reports dated July 13, 2006. This report was submitted to Kelly Schuler yesterday.

Should you have any questions, please do not hesitate to contact me.

Regards,

Luc Guillemette
Service & Warranty Manager
Girardin Minibus, Inc.
Trans-Canada Highway
Drummondville (Quebec) J2B 6V4
Phone: (819) 477-8222 ext. 455
Fax: (819) 477-1848
luc.guillemette@girardin.com

ATTENTION

This facsimile may contain **PRIVILEGED AND CONFIDENTIAL INFORMATION** only for use of the Addressee(s) listed above. If you are not the intended recipient of this facsimile or the person responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this facsimile is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone to arrange for the return or destruction of this document. Thank You.



July 13, 2006



FAX AND MAIL

Chief Counsel
National Highway Traffic Safety Association
Room 5219
400 Seventh Street, SW.
Washington, DC 20590

Request for confidentiality on point 3 of PART 573 Defect and Noncompliance Responsibility and Reports dated July 13, 2006

Dear Madam/Sir,

We would like the information on the total number of vehicles recalled potentially containing the defect or noncompliance to be kept confidential.

Public disclosure of the information would be likely to cause substantial harm to our competitive position following the introduction of our new G5 models.

We are requesting confidential treatment for a period of 3 years.

Should you have any questions, please do not hesitate to contact me at 819-477-8222 extension 455.

Regards,

Luc Guillemette
Service & Warranty Manager
Girardin Minibus, Inc.
Trans-Canada Highway
Drummondville (Quebec) J2B 6V4
Phone : 819-477-8222 ext. 455
Fax : 819-477-1848
Luc.guillemette@girardin.com

Encl.

Certificate in Support of Request for Confidentiality

I, Luc Guillemette, pursuant to the provisions of 49 CFR part 512, state as follow:

(1) I am Luc Guillemette, Service & Warranty Manager and I am authorized by Girardin Minibus, Inc. to execute this certificate on its behalf;

(2) I certify that the information contained in point 3 of PART 573 Defect and Noncompliance Responsibility and Reports dated July 13, 2006 is confidential and proprietary data and is being submitted with the claim 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);

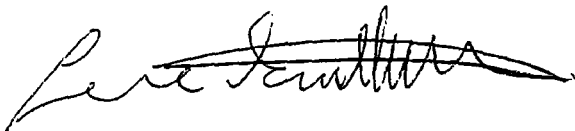
(3) I hereby request that the information contained in (point 3 of PART 573 Defect and Noncompliance Responsibility and Reports dated July 13, 2006) be protected for a period of 3 years.

(4) This certification is based on the information provided by the responsible Girardin Minibus 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 Girardin Minibus.

(5) Based upon that information, to the best of my knowledge, information and belief, the information for which Girardin Minibus has claimed confidential treatment has never been released or become available outside Girardin Minibus.

(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 Girardin Minibus because of unauthorized or inadvertent disclosure (except as stated in paragraph 5); and

(7) I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this the 13th day of July, 2006.



Luc Guillemette
Service & Warranty Manager
Girardin Minibus, Inc.
Trans Canada Highway
Drummondville (Quebec) J2B 6V4
Phone : 819-477-8222 ext. 455
Fax : 819-477-1848
luc.guillemette@girardin.com

Please check below for the information we request confidential treatment:

I. Identify the Vehicle Models Involved in the Recall

2. Identify the Vehicles Involved in the Recall, for each make and model or applicable vehicle line (provide illustrations or photographs as necessary to describe the vehicle), provide:

Make(s): Girardin

Model Years Involved: 2006

Model(s): MB IV School & commercial buses, model G5

Production Dates: Beginning: January 30, 2006 Ending: July 7, 2006

VIN Range: Beginning: ----- Ending: -----

Vehicle Type: Ford chassis E-series E450, GM chassis with 6.6L diesel engine & GM chassis with 6.0L gas engine

Body style: School & Commercial buses, model G5

Descriptive information which characterizes/distinguishes the recalled vehicles from those model vehicles not included in the recall:

The new minibus model G5. The 2 rear side windows and the moreview window glass are bonded to the frame of the windows.

Identify the approximate percentage of the production of all the recalled models manufactured by your company between the inclusive dates of manufacture provided above, that the recalled model population represents. For example, if the recall involved Widgets equipped with certain items of equipment from January 1, 1996 through April 1, 1997, then what was the percentage of the recalled Widgets of all Widgets manufactured during that time period.

100 % of the MB IV school & commercial buses, model G5, manufactured from January 30, 2006 to July 7, 2006 inclusively.

II. Identify the Recall Population

3. Furnish the total number of vehicles recalled potentially containing the defect or noncompliance.

Model	Year	Number of Potentially Involved Vehicles
-------	------	---

MB IV Commercial bus G5	2006	4
-------------------------	------	---

MB IV School bus G5	2006	24
---------------------	------	----

Total Number Potentially Affected by the recall: 28

We request CONFIDENTIAL treatment on this information