

The Goodyear Tire & Rubber Company

200 Innovation Way
Akron, Ohio 44316-0001

July 24, 2017

Via Federal Express

Office of Chief Counsel (NCC-113)
National Highway Traffic Safety Administration
1200 New Jersey Avenue SE
Washington, DC 20590

Re: Kurtz Submission
Request For Confidential Treatment

Dear Sir/Madam:

Pursuant to 49 C.F.R. Part 512, The Goodyear Tire & Rubber Company (hereinafter "Goodyear") seeks confidential treatment of certain information submitted to your office by David L. Kurtz by letter dated July 10, 2017 (hereinafter the "Kurtz submission"). The Kurtz submission is a twenty-nine page letter (hereinafter the "Kurtz letter") accompanied by seventy-one exhibits which are described on an Index. The portion of the Kurtz submission for which Goodyear seeks confidential treatment includes the Kurtz letter as well as those exhibits (or designations in the case of deposition transcripts) identified on the attached Index with a Yes (or description of designation in the case of depositions) in the Confidentiality Request column (hereinafter the "Confidential Information"). We are not attaching additional copies of the exhibits, all of which are already marked Confidential as described in the Kurtz letter. Please let us know if you need any additional copies of those exhibits identified in the Confidentiality Request column on the attached Index in order to process this request. Attached is the Certificate in Support of Request for Confidentiality required under Appendix A to 49 C.F.R. Part 512.

The Confidential Information is confidential business information as defined in 49 C.F.R. Part 512.3 (c) and its disclosure would be detrimental to the business

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interests of Goodyear. The Confidential Information has not been publicly disclosed (it was either provided by Goodyear in the litigation described in the Kurtz submission pursuant to a Protective Order or prepared by Mr. Kurtz during the course of the litigation) and its release to the news media and/or others, who do not have and would not take time to acquire the benefit of the full explanation of this data, would likely cause substantial harm to the competitive position of Goodyear. The Court Order authorizing Mr. Kurtz to share the Confidential Information with NHTSA expressly provided that Goodyear would be afforded the opportunity to submit this confidentiality request. Goodyear treats all of the information contained within the Confidential Information described above as confidential business information and has established company policy which strictly prohibits the sharing of such information outside Goodyear without specific required written approvals. Any of the data standing alone, or in combination with other data submitted to NHTSA, could be taken out of context and used by those so inclined to discredit Goodyear's image in the minds of the consuming public.

Goodyear respectfully requests that the Confidential Information remain confidential for an indefinite period of time.

Thank you in advance for your consideration of this request. Please direct all correspondence concerning Goodyear's request for confidentiality directly to me.

Sincerely,



MARK V. CHERVENY
Manager, Global Regulations, Standards &
Compliance
The Goodyear Tire & Rubber Company

Enclosure

INDEX OF EXHIBITS
GOODYEAR 49 C.F.R. PART 512 REQUEST FOR CONFIDENTIAL TREATMENT
JULY 24, 2017

<u>Exhibit</u>	<u>Description</u>	<u>Confidentiality Request</u>
1.	06/12/2014 letter re report to NHTSA	Yes
2.	The Center for Auto Safety's Motion to Intervene	
3.	Haeger I Protective Order entered by Roslyn Silver	
4.	Amended Haeger II Complaint	
5.	Lawsuit List	
6.	Adjustments	Yes
7.	List of property damage claims with injury/death claims	Yes
8.	Updated Claim List	Yes
9.	G159 Death/Injury Chart showing the 98 names and dates of loss, date reported, and DOT number	Yes
10.	Condition Codes	Yes
11.	Boxes of Property Damage Claim Forms	Yes
12.	Summary of Property Damage Claim Forms	Yes
13.	John Kullman 08/05/2016 Deposition, pp. 8, 158	Yes
14.	Firestone Wilderness A7 Tire EA00-023 Report	
15.	09/05/2000 Goodyear letter to Ford re Wrangler RTS	Yes
16.	Crown Separation Chart/Annual Production Statistics (Haeger I)	Yes
17.	Haley Photographs	
18.	Haeger photograph	
19.	Haeger Disclosure section setting forth Haeger injury summary	
20.	Goodyear Global Procedure for Withdrawal or Recall Noncompliant Products	Yes

21.	Tom Harvie 12/08/2016 Deposition Transcript	<p>Designated Exhibits:</p> <p>Exhibit 1 September 5, 2000 Letter from Goodyear to Ford Motor Company</p> <p>Exhibit 2 Summary of all warranty returns, property damage claims, and Injury and Death Claims</p> <p>Designated Testimony</p> <ul style="list-style-type: none"> • page 19, line 1 to page 21, line 12; • page 22, line 14 to page 23, line 8; • page 25, line 7 to line 17; • page 28, line 9 to page 29, line 3; • page 33, line 11 to line 24; • page 35, line 3 to page 39, line 20; • page 40, line 1 to page 41, line 4; • page 46, line 9 to page 22; • page 47, line 15 to page 48, line 14; • page 49, line 3 to page 52, line 9; • page 53, lines 6 to 9; • page 53, lines 20 to 23; • page 54, lines 9 to 19; • page 55, line 24 to page 59, line 24; • page 60, line 21 to page 65, line 14; • page 65, line 24 to page 67, line 3; • page 68, line 10 to page 71, line 6; • page 71, lines 18 to 20; • page 73, line 3 to page 77, line 15; • page 78, line 19 to page 79, line 9; • page 79, line 21 to page 82, line 6; • page 82, line 10 to page 83, line 6; • page 84, line 5 to page 87, line 3;
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22.	David Bialosky 12/09/2016 Deposition Transcript	<ul style="list-style-type: none"> • page 87, line 6 to page 89, line 16. <p>Designated Exhibits:</p> <p>Exhibit 1 Summary of adjustments, property damage claims and personal information noted of alleged injury and death claims</p> <p>Exhibit 2 Summary of all G159 property damage claims, injury and death claims, bates stamped GY-HAEGER 11267-11281</p> <p>Exhibit 3 Chart of all property damage claims, injury and death claims</p> <p>Exhibit 5 February 12, 2002 Correspondence from Goodyear to NHTSA regarding Goodyear Wrangler tires</p> <p>Exhibit 6 April 13, 1999 Goodyear Interoffice Memo</p> <p>Designated Testimony</p> <ul style="list-style-type: none"> • page 15, lines 7 to 16; • page 16, lines 20 to page 18, line 7; • page 19, line 5 to page 20, line 22; • page 24, lines 4 to 14; • page 28, line 9 to page 31, line 5; • page 31, line 13 to page 33, line 17; • page 34, line 11 to line 23; • page 35, line 1 to page 37, line 2; • page 37, line 9 to page 40, line 5; • page 40, line 9 to page 46, line 23;
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		<ul style="list-style-type: none"> • page 47, line 10 to page 48, line 4; • page 49, line 12 to page 58, line 17; • page 59, line 12 to page 60, line 22; • page 61, line 10 to 63, line 11; • page 64, line 17 to page 66, line 6; • page 66, line 10 to page 74, line 21; • page 75, line 12 to page 77, line 6; • page 77, line 18 to page 80, line 20; • page 82, line 1 to line 14; • page 83, line 4 to page 84, line 11; • page 85, line 10 to page 88, line 12; • page 88, line 18 to page 89, line 15; • page 90, line 3 to 19; • page 90, line 24 to page 92, line 10.
23.	Settlement Authority Requests to Senior Management re extensive failure data	Yes
24.	Lyn Lovell 10/04/2016 30(b)(6) Deposition Transcript	<p>Designated Testimony</p> <ul style="list-style-type: none"> • page 20, line 6 to page 24, line 18; • page 25, line 12 to page 27, line 21; • page 28, line 8 to page 41, line 22; • page 42, line 9 to page 43, line 14; • page 44, line 4 to page 50, line 21; • page 52, line 8 to page 53, line 15; • page 53, line 22 to page 55, line 22; • page 56, line 5 to page 57, line 8; • page 58, line 17 to page 63, line 4; • page 63, lines 11 to 20; • page 64, line 22 to page 65, line 12; • page 65, line 17 to page 77, line 24.

25.	Lyn Lovell 10/04/2016 Deposition Transcript	<p>Designated Exhibits:</p> <p>Exhibit 2 12/7/2010 Goodyear Quality Assurance Instruction</p> <p>Exhibit 3 5/28/2008 Memo by R. Olsen</p> <p>Exhibit 5 9/5/2000 letter from Whitely of Goodyear to Mazzorla of Ford Motor attaching adjustment data</p> <p>Exhibit 9 Adjustment data summary</p> <p>Exhibit 10 List of property, injury and litigation claims</p> <p>Exhibit 11 List of G159 lawsuits</p> <p>Exhibit 12 List of G159 injury and death claims</p> <p>Exhibit 13 Chart of total adjustments and claims and production of G159 tires</p> <p>Exhibit 14 Chart of High-Speed Lab Durability Testing</p> <p>Exhibit 15 June 10-11, 2007 internal Goodyear email chain</p> <p>Exhibit 16 Redacted email from Swanson to Ford</p>
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- Designated Testimony
- page 12, line 2 to page 16, line 12
 - page 16, line 16 to page 38, line 15;
 - page 39, line 2 to page 47, line 4;
 - page 48, line 4 to page 53, line 19;
 - page 54, lines 8 to 15;
 - page 54, line 19 to page 58, line 17;
 - page 59 lines 5 to 10;
 - page 59, line 16 to page 61, line 10;
 - page 62, lines 4 to 12;
 - page 63, line 8 to page 65, line 20;
 - page 67, line 4 to page 69, line 17;
 - page 70, lines 2 to 20;
 - page 72, line 12 to page 74, line 9;
 - page 75, lines 6 to 19;
 - page 76, line 20 to page 79, line 4;
 - page 79, line 10 to page 82, line 3;
 - page 84, lines 3 to 17;
 - page 84, line 24 to page 87, line 1;
 - page 89, lines 10 to 20;
 - page 92, lines 7 to 15;
 - page 93, lines 7 to 25;
 - page 94, line 16 to page 95, line 24;
 - page 96, line 9 to page 97, line 1;
 - page 97, line 10 to page 98, line 23;
 - page 99, line 4 to page 104, line 25;
 - page 106, line 6 to page 107, line 18;
 - page 108, line 7 to page 109, line 8;
 - page 111, line 3 to page 116, line 15;
 - page 116, line 24 to page 117, line 19;
 - page 117, line 25 to page 123, line 21;

		<ul style="list-style-type: none"> • page 124, line 4 to page 125, line 15; • page 127, lines 3 to 15; • page 129, line 6 to page 138, line 3.
26.	Sim Ford 01/23/2017 Deposition Transcript	<p>Designated Exhibits:</p> <p>Exhibit 2 Claim list, GY-HAEGGER 11267-11281</p> <p>Exhibit 3 G159 Injury/Death Claims</p> <p>Exhibit 4 All pages of exhibit regarding May 30, 2006 Letter from Sim Ford to Office of Chief Counsel, NHTSA - Request for Confidential Treatment of Information</p> <p>Exhibit 5 Documents submitted to NHTSA pursuant to 5 U.S.C. §552(b)(4), GY-HAEGGER 029127 to 029138</p> <p>Exhibit 7 Claim list GY-HAEGGER 012655 to 012669</p> <p>Exhibit 8 Crown separation chart</p> <p>Exhibit 9 February 22, 2012</p> <p>Exhibit 10 Email correspondence GY-HAEGGER 018921 to 018922</p> <p>Designated Testimony</p> <ul style="list-style-type: none"> • page 38, lines 11 to 21; • page 39, line 6 to page 40, line 16; • page 41, line 8 to page 42, line 11

27.	Richard Olsen 09/12 -- 09/13/2017 30(b)(6) Depositions pp. 31-32, 70; 428, 434-436	<ul style="list-style-type: none"> • page 42, line 21 to page 43, line 12; • page 43, line 17 to page 46, line 11; • page 47, line 18 to page 54, line 25; • page 56, line 20 to page 69, line 8; • page 69, line 20 to page 76, line 11; • page 76, line 22 to page 78, line 1; • page 78, line 13 to page 86, line 9; • page 88, lines 9 to 22; • page 89, lines 12 to 22; • page 90, lines 5 to 9; • page 91, lines 5 to 8; • page 91, line 17 to page 94, line 1; • page 94, line 11 to page 95, line 15; • page 96, line 15 to page 98, line 15; • page 99, lines 8 to 22.
28.	Arizona Republic Front Page Article of September 2015	
29.	01/03/2007 Transcript of Hearing, pp. 31-33	
30.	Plaintiffs' Expert Witness Disclosure (<i>Haeger I</i>)	
31	NHTSA peer inquiry to Goodyear of 04/26/2006	Yes
32.	Goodyear 05/30/2006 Response to NHTSA	Yes
33.	Goodyear 670 marketing	
34.	Richard Olsen 09/12/2007 30(b)(6) Deposition, pp. 80-81, 84	Yes
35.	<i>Schalmo</i> Memo re 400 property damage claims	Yes
36.	Beverage Truck Marketing (<i>Haeger I</i>)	
37.	Metro Service Marketing (<i>Haeger I</i>)	
38.	Release Telex	Yes
39.	James Stroble 08/22/2016 30(b)(6) Deposition, pp. 18-31	Designated Exhibits: Exhibit 2 Global Master Specification

		<ul style="list-style-type: none"> • Designated Testimony • page 18, line 1 to page 23, line 24; • page 24, line 13 to page 25, line 21; • page 26, line 12 to page 31, line 25.
40.	Figure 15.9 from Chapter 15 Pneumatic Tire	
41.	Excerpts from Ford & Charles Publication	
42.	James Gardner 09/14/2007 Deposition, pp. 56, 78-79	
43.	Richard Olsen 09/13/2007 30(b)(6) Deposition, pp. 282-284	Yes
44.	11/23/1998 correspondence to Fleetwood	
45.	Goodyear Radial Truck Tire and Retread Service Manual February 2001	
46.	Goodyear Radial Truck Tire and Retread Service Manual October 2004	
47.	High Speed test protocol and tests 1-4	Yes
48.	Settlement Memo with Equivalency comments (50 MPH on high speed tests equivalent to 75 MPH highway)	Yes
49.	Richard Olsen 09/13/2007 30(b)(6) Deposition, pp. 328-330, 334, 338	For pages 328-330 and 338.
50.	Extended Endurance Protocol and tests; Crown Durability Protocol and tests; Heat Rise Durability Protocol and Tests	Yes
51.	Goodyear High Speed Tested Truck Tires'	Yes
52.	Musnuff mem; 02/11/1997 re 01/03/1997 tread compound revisions	Yes
53.	02/15/1999 Goodyear returned tire report	Yes
54.	03/24/1999 returned tire report	Yes
55.	Tread Separation Analysis dated 04/07/1999	Yes
56.	10/26/1999 returned tire report	Yes
57.	01/15/2001 returned tire report	Yes
58.	Fleetwood recall	
59.	05/09/2006 document re effectiveness of Fleetwood campaign	

60.	11/23/1998 correspondence to Fleetwood	
61.	11/16/1998 correspondence to Fleetwood	
62.	04/13/1999 Goodyear Interoffice Memo	Yes
63.	08/23/2000 Goodyear/Monaco letter	
64.	Monaco 01/21/2002 letter to Goodyear from Monaco	
65.	Goodyear modified customer notification re Monaco campaign	
66.	Christopher Roberts 11/14/2016 Deposition - cross-examination by David Kurtz	<p>Designated Exhibits:</p> <p>Exhibit 1 Goodyear's Responses to Plaintiff's Third Request for Production, 3/10/2008</p> <p>Exhibit 2 Goodyear's Supplemental Responses to Plaintiff's Third Request for Production, 4/21/2008</p> <p>Exhibit 6 11/04/09 Email to G. Hancock from B. Musnuff</p> <p>Designated Testimony</p> <ul style="list-style-type: none"> • page 99, lines 15 to 25; • page 104, line 21 to page 105, line 3; • page 109, lines 7 to 17; • page 109, line 22 to page 110, line 10; • page 117, line 22 to page 119, line 18; • page 120, lines 3 to 19; • page 121, line 11 to page 123, line 4; • page 123, lines 15 to 23; • page 124, lines 9 to 17; • page 125, line 1 to page 126, line 22; • page 127, lines 2 to 18; • page 129, line 12 to page 130, line 17; • page 131, line 11 to page 133, line 25;

		<ul style="list-style-type: none"> • page 134, line 20 to page 136, line 13; • page 136, line 24 to page 137, line 19; • page 138m lines 3 to 6; • page 138, line 18 to page 140, line 10; • page 140, line 19 to page 141, line 24; • page 145, lines 1 to 17; • page 146, line 19 to page 147, line 2; • page 148, line 23 to page 149, line 18.
67.	Michael Medina 12/12/2016 Deposition cross-examination by David Kurtz	<p>Designated Exhibits:</p> <p>Exhibit 3 Goodyear discovery responses in Bogaert</p> <p>Exhibit 24 Goodyear supplemental responses pursuant to the August 22, 2007 Order in Woods</p> <p>Exhibit 26 Telex dated 01/26/96</p> <p>Exhibit 27 Goodyear Master Specification</p> <p>Designated Testimony</p> <ul style="list-style-type: none"> • page 137, lines 2 to 14; • page 148, lines 7 to 19; • page 149, lines 6 to 11; • page 155, line 19 to 158, line 3.
68.	Timothy Casey 11/07/2016 Deposition Transcript	<p>Designated Exhibits:</p> <p>Exhibit 4 All documents in the collection of documents from the witness' redwell file</p> <p>Exhibit 24 4/16/16 Email string between G. Hancock from B. Musnuff</p>

		Designated Testimony
69.	Haegers' Supplemental Statement of Facts	<ul style="list-style-type: none"> • page 146, line 15 to page 148, line 11; • page 148, line 21 to page 149, line 24; • page 150, line 3 to page 151, line 14; • page 152, line 7 to page 154, line 5; • page 154, line 11 to page 156, line 22; • page 157, line 10 to page 159, line 3; • page 160, line 21 to page 162, line 2; • page 163 to page 167 were marked under seal; • page 171, lines 11 to 18; • page 172, line 6 to 173, line 18; • page 174, lines 2 to 14; • page 174, line 24 to page 175, line 13; • page 181, lines 16 to 21; • page 188 line 4 to 14; • page 193, lines 6 to 20.
70.	Index of 59 depositions taken in <i>Haeger I</i> and <i>Haeger II</i>	Yes
71.	Expert Report of Greg Taylor	Yes