

JUN 19 2003

Mr. Paul Fabien  
Ford Motor Company  
Suite 1400  
Parklane Towers West  
Three Parklane Blvd.  
Dearborn, MI 48126

RE: Confidentiality Determination  
ODI Investigation No: EA02-022

Dear Mr. Fabien:

This is in response to your letter dated May 23, 2003, in which you request confidential treatment for the following materials:

- Test Data and prototype design performance comparisons.
- Warranty rate comparison data.
- Customer survey data.
- Possible future design concept information.
- Production cost/timing information.

These materials were submitted in connection with Ford's presentation made during a May 8, 2003 meeting between Ford personnel and representatives from the NHTSA Office of Defects Investigation and the Chief Counsel's Office.

Because the information was required to be submitted to the agency under the above matter, we reviewed your claim for confidential treatment under the test announced in *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974) and its progeny. Under that test information is confidential if its disclosure is likely to cause substantial competitive harm to the submitter or to impair the government's ability to collect the information in the future.

We have reviewed the materials and your arguments including the affidavit submitted pursuant to 49 C.F.R. Part 512. We determined that the materials satisfy the *National Parks* test and are entitled to confidential treatment pursuant to Exemption 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4), because disclosure of the materials is likely to cause substantial competitive harm to your company or because disclosure may

impair the agency's ability to obtain similar information in the future. The materials will be protected for an indefinite period of time.

Notwithstanding this grant of confidential treatment, the information may be disclosed under the various provisions set forth in 49 U.S.C. § 30167 and 49 C.F.R. Part 512. You will be notified prior to any such release of information.

Sincerely,

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Sharon Vaughn-Fair  
Staff Attorney

