

AUG -9 2004

Mr. Robert O'Donnell
Ford Motor Company, Suits 1400
Parklane Towers West
Three Parklane Blvd.
Dearborn, MI 48126

Re: Confidentiality Determination/EA02-025 MY 1993-1995 Ford vehicles

Dear Mr. O'Donnell:

This is in response to a letter from James P. Vondale, dated March 23, 2004, which requests confidential treatment for the materials submitted by Ford Motor Company (Ford) and enclosed with the letter. Mr. Vondale stated that the materials were created by Ford in conjunction with a meeting between Ford personnel and the Office of Defects Investigation of the National Highway Traffic Safety Administration (NHTSA) held on February 26, 2004. The materials for which you request confidential treatment consist of two documents. The first is a Powerpoint presentation containing design specifications, and laboratory test results and photos related to assessments, tests, studies, surveys, and investigations of speed control deactivation switches in certain model Ford vehicles. The second document, which is a chart summarizing aspects of Ford's investigation of several claims relating to the speed control deactivation switches, was submitted in response to follow-up questions following the presentation. Ford contends that these materials were submitted to the agency voluntarily to facilitate the agency's analysis in this investigation. Your letter does not specify how long you wish the materials be granted confidential treatment. I have concluded, therefore, that Ford requests that the information be granted permanent confidential treatment.

Your letter and accompanying certificate indicate that the information provided is confidential and commercially sensitive and that Ford does not release, and has not released, this information to the public.

I have decided to grant your request.

The information provided by Ford was designed to assist the agency in its investigation and was not forwarded to NHTSA in response to any formal agency request or as a necessary part of obtaining any agency grant or approval. I have therefore determined that Ford provided this information voluntarily. Accordingly, I have reviewed your request under the principles set forth in *Critical Mass Energy Project v. Nuclear Regulatory Comm'n*, 975 F.2d 871 (D.C.Cir.1992).

Under the test set forth in *Critical Mass*, financial or commercial information provided to the government on a voluntary basis is "confidential" for purposes of Exemption 4 if it is the kind of information that would customarily not be released to the public by the submitter. Your letter indicates that the data contained in your response is data that Ford would not customarily release to the public. As a result, I am according confidential treatment to the information contained in your submission.

Subject to the conditions below, this grant of confidential treatment will remain in effect indefinitely.

This grant of confidential treatment is subject to certain conditions. The information may be disclosed under 49 CFR § 512.22 based upon newly discovered or changed facts, and you must inform the agency of any changed circumstances that may affect the protection of the information (49 CFR § 512.10)). If necessary, you will be notified prior to the release of any information under the procedures established by our regulations (49 CFR § 512.22(b)).

Sincerely,

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Otto G. Matheke, III
Senior Attorney

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NCC-113:Subj/Chron NCC04-002783
CC: Bruce York
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