

JUN 19 2003

Patrick M. Raher
Hogan & Hartson
Columbia Square
555 Thirteenth Street, NW
Washington, D.C. 20004-1109

RE: Confidentiality Determination
ODI Investigation No.: EA02-031

Dear Mr. Raher:

This is in response to your letter dated May 5, 2003, in which you request confidential treatment on behalf of Honeywell Sensing and Control (Honeywell) for the following materials:

- Attachment 2H – Design and Process Failure Mode and Effects Analysis.
- Attachment 2J Warranty Trends Assessment.
- The binder provided in response to information Request #5 containing Process Flow Charts, Control Plans, and SPC/Q&A Testing documents.
- Binders 1-7 provided in response to information Request # 8 containing internal and external communications on the design and production of the subject components.

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

