

SEP 9 2005

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

Re: Request for Confidential Treatment of Information Provided in Response to  
EA05-003

Dear Mr. Fabien:

This is in response to a letter from James P. Vondale, dated June 24, 2005, in which he requests confidential treatment for certain information that Ford Motor Company (Ford) provided in response to the above agency inquiry. Ford seeks confidential treatment for the documents provided electronically in Appendices I, II, III-A and III-B, which is contained on a single CD-ROM (file names: 2005-06-24\_Apendix\_I, II, III-A, III-B). Ford states that it maintains this information in a record keeping system designed to control the information's dissemination. Ford requests confidential treatment for a period of ten (10) years.

As to the information contained in Appendices I, II, III-A and III-B, Ford asserts that it contains documents that are not customarily released to the public by Ford and are confidential business information that are exempt from disclosure pursuant to 49 CFR § 512.15 and 5 U.S.C. § 552(b)(4). Ford claims that the disclosure of the documents in Appendices I, II, III-A and III-B would likely cause substantial competitive harm to Ford (as contemplated in 49 CFR § 512.15 and 5 U.S.C. § 552(b)(4)).

According to Ford, the information in Appendix I consists of detailed warranty analysis which could be used by competitors to modify competitive strategies, including marketing strategies, to the detriment of Ford.

Ford states that the information in Appendix II includes test specifications and reliability analysis and projections which could be used by competitors to identify quality issues and modify competitive components and strategies to the detriment of Ford.

Ford also states that the information in Appendix III-A includes detailed projections of mileage accumulation rates that could be used by competitors to modify competitive strategies, including marketing strategies, to the detriment of Ford.

Last, Ford states that the information in Appendix III-B includes detailed information concerning the probabilistic models and statistical procedures incorporated in Ford's Analytical Warranty System. Ford maintains that the information in Appendix III-B could be used by competitors to construct or improve their own probabilistic models without the need to devote the substantial resources devoted by Ford to construct and prove the usefulness of its models.

I have decided to grant your request.

Because the information contained in Appendices I, II, III-A and III-B was submitted to the agency in response to the above information request, 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 under Exemption 4 of the Freedom of Information Act 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.

As described above, Ford's submission includes warranty analysis, test specifications and reliability analysis and projections, projections of mileage accumulation rates, and probabilistic models and statistical procedures incorporated in Ford's Analytical Warranty System. This information is not readily available to the public. Further, the agency believes that the disclosure of this detailed information would be likely to cause Ford to suffer substantial competitive harm. Accordingly, I am granting confidential treatment to the contents that you have identified as confidential in Appendices I, II, III-A and III-B.

Subject to the conditions below, this grant of confidential treatment will remain in effect for the period of time requested (ten years).

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,

*OS*  
Otto G. Matheke, III  
Senior Attorney

