

NUS-213
C. Rose

MAY - 2 2005

Ms. Kara Tertzag
Ford Motor Company
Suite 1400
Parklane Towers West
Three Parklane Blvd.
Dearborn, MI 48126

Re: Confidentiality Determination/EA04-024 (Peer Data)

Dear Ms. Tertzag:

This is in response to Mr. James P. Vondale's letter, dated April 15, 2005, requesting confidential treatment for certain materials submitted by Ford Motor Company ("Ford") in response to an agency information request regarding alleged defects in the lower ball joints used in the Model Year 2002 Toyota Tundra pickup truck. The materials are contained in an engineering drawing (Appendix G) and a single PDF file contained on a CD-ROM identified as "EA04-024 Confidential Appendix J." The drawing is not marked as confidential. Ford requests that this information be kept confidential for a period of ten (10) years.

Ford states that this information is confidential and proprietary data and consists of design and specification information that, if disclosed, would cause Ford to suffer substantial competitive harm. Ford contends that the disclosure of this information would enable its competitors to design and improve their own products without making the investment in resources that Ford made.

I have decided to grant your request.

As noted above, Ford did not mark the enclosed drawing in the manner prescribed by 49 CFR § 512.6. This fact alone would permit the agency to summarily reject Ford's request. Please ensure that future submissions fully meet the requirements of 49 CFR Part 512.

The agency reviewed Ford's 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, 5 U.S.C. § 552(b)(4), 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.

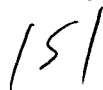
In order for the agency to withhold the submitted information from disclosure under Exemption 4, Ford must show that the disclosure likely would cause substantial competitive harm or that disclosure is likely to impair the agency's ability to obtain similar data in the future. *National Parks*, 498 F.2d at 770.

Ford's submission consists of a detailed engineering drawing and specifications. 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 according confidential treatment to the contents of Appendices G and J.

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,



Otto G. Matheke, III
Senior Attorney

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