

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

JUL 29 2005

Re: Confidentiality Determination/EA04-034

Dear Mr. Fabien:

This is in response to Mr. James P. Vondale's letter, dated July 18, 2005, requesting confidential treatment for certain materials submitted by Ford Motor Company ("Ford") in response to an agency information request regarding alleged defects with the steel wheels used in Model Year 2003-2005 Ford Crown Victoria vehicles used for police, taxi, and fleet applications. The materials are files contained in several folders placed on a CD-ROM, identified as "EA04-034 Confidential Appendices E, G, J, L2, O, P," and in a single notebook (identified as "Appendix L1"). Ford requests that this information be kept confidential for a period of ten (10) years.

Ford states that this information contained in Appendices E, G, J, L1, L2, O, and P is confidential business information that, if disclosed, would be likely to cause Ford to suffer substantial competitive harm. As part of its submission, Ford includes a chart that categorizes the various types of information contained in its submission into eight (8) groups -- cost, supplier capabilities/relationship, engineering specifications, test results, root cause analysis, other, Field Review Committee (FRC) documents, and test procedures and test specifications. Ford contends that the disclosure of this information would reveal the alleged defect's impact on Ford, assist competitors in identifying or modifying competitive strategies and supplier relationships without making the investment in resources that Ford made, and disclose proprietary intellectual property contained in its engineering drawings (Appendices G, L1, portions of L2, and P). Further, Ford asserts that other documents reveal test requests, specifications and results, internal and supplier evaluations, internal practices in determining root causes, and other commercially sensitive information such as telephone conference numbers and pass codes used by Ford to conduct ongoing business and engineering operations (Appendices E, J, L1, portions of L2, and O).

I have decided to grant your request.

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.

As described above, Ford's submission includes detailed engineering drawings and specifications; testing procedures, reports, and results; specific cost data; internal analyses; and pass code information and telephone numbers used by Ford. 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 E, G, J, L1, L2, O, and P.

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,

Original Signed By

Otto G. Matheke, III
Senior Attorney

