

NVS-212
S. Yon

JUN 30 2006

Mr. James P. Vondale
Ford Motor Company
Automotive Safety Office
Environmental & Safety Engineering
Fairlane Plaza South
330 Town Center Drive
Dearborn, MI 48126

Re: Confidentiality Determination/EA04-034

Dear Mr. Vondale:

This responds to your June 21, 2006 letter requesting confidential treatment for materials submitted by Ford Motor Company (Ford) regarding alleged defects with wheels used on certain Ford Crown Victoria Police Interceptor vehicles. These materials were presented in a meeting with the agency's Office of Defects Investigation on June 15, 2006. The materials are contained in a CD identified as Appendix A that contains two files ("EA04-034 NHTSA presentation 061506.ppt" and "TIRE DEFLATION.wmv") and a folder identified as "MPG High Speed Evaluation". The folder contains a series of software tools to permit the viewing of a video of a high speed test (also contained in the folder) conducted by Ford. You request that this information be kept confidential for a period of ten (10) years.

Ford states that the submitted information on the CD, which consists of a slide presentation and two videos of high-speed tests, is not customarily disclosed to the public and that it submitted the information to the agency voluntarily. The company also claims that the information is proprietary and that its disclosure would cause Ford to suffer substantial competitive harm.

I have decided to grant your request.

Ford provided this information voluntarily and was not required to submit this information under 49 U.S.C. § 30166 or other authority. 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 of the Freedom of Information Act if it is the kind of information that would customarily not be released to the public by the submitter. Your certificate indicates that your response contains data that Ford does not customarily release or make available outside Ford. Accordingly, the information contained on the CD (the files "EA04-034 NHTSA presentation 061506.ppt" and "TIRE DEFLATION.wmv" and the contents of the folder identified as "MPG High Speed Evaluation" submission) will be withheld.

Because your request has been granted under the *Critical Mass* standard, there is no need to evaluate your claims that the disclosure of this information would be likely to cause Ford to suffer substantial competitive harm.

Subject to the conditions below, this grant of confidential treatment will remain in effect for ten (10) 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

NHTSA:NCC111:Kido:06/29/06:cyt
NCC-113:Subj/Chron, mk, om, cyt **NCC06-003865**
Info: NVS-212: S. Yon w/enclosures
Confidentiality/misc06\Ford 06-003865.mk.doc