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

Re: Confidentiality Determination/EA05-005

Dear Mr. Fabien:

This is in response to [REDACTED] letter, dated August 16, 2005, requesting confidential treatment for certain materials submitted by Ford Motor Company (Ford) and Texas Instruments (TI) in response to an agency information request regarding alleged defects with the speed control deactivation system (SCDS) used in certain Model Year Ford Expedition ('97-'99, '00-'02), F-Series ('95) and F-150 ('95-'99, '01-'02) vehicles. The materials are files contained in a CD, identified as Appendix K. Appendix K is further subdivided into numerous descriptive categories (13 folders of Ford documents and 1 folder of TI documents). Ford requests that this information be kept confidential for a period of ten (10) years. TI requests that the folder containing its material be kept confidential indefinitely.

Ford and TI state that the information contained in Appendix K is confidential business information that, if disclosed, would be likely to cause Ford and TI 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 fourteen (14) tabbed groups:

Appendix	Document Category, Description
K	Test procedures or specifications – internal test procedures used during vehicle design and development
K	Engineering design specifications – engineering design specifications and documents that concern Ford's engineering design processes
K	Engineering design drawings – release level designs of vehicles, systems, sub-systems, and components
K	Design Verification Plan and Report – internal documents reflecting test plans, procedures and results

K	Design Failure Mode and Effects Analysis -- studies by Ford or its supplier to improve a design or determine the root cause of an alleged defect.
K	Test results -- engineering testing results
K	14D -- studies by Ford to determine the root cause of the alleged defect
K	6-Sigma Studies -- studies by Ford engineers using internal procedures to analyze root causes of consumer quality complaints
K	Cost -- cost information, including the financial impact to Ford
K	Critical Concern Review Group (CCRG) -- documents generated by Ford's Critical Concern Review Group concerning its practices and methods for recognizing, determining root cause, preventing future concerns
K	Other root cause analysis -- internal studies to determine the root cause of an alleged defect
K	Future Model Year Information -- documents that contain design and development information regarding future model year vehicle lines
K	Other -- Records concerning telephone conference numbers and pass codes
K	Supplier Engineering Design Drawings -- TI's release level drawings of vehicles, systems, sub-systems and components.

Ford and TI contend that the disclosure of this information, which they assert is not customarily released to the public, would reveal, among other things, the methods they use to assess the root causes of alleged failures, design process information, commercially sensitive cost data, future model year information, design/engineering specifications and test procedures. Ford and TI contend that the disclosure of this information would assist competitors in identifying or modifying competitive strategies and supplier relationships without making the investment in resources that Ford and TI made, and reveal confidential and proprietary data.

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 cost information, studies by Ford to determine the root cause of the alleged defect, engineering design specifications, engineering design and manufacturing processes, internal test procedures and specifications, design/engineering specifications, and future model year vehicle information. Ford's submission also includes an engineering design drawing from a supplier, TI. 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 and TI to suffer substantial competitive

harm. Accordingly, I am granting confidential treatment to the materials that you have identified as confidential in Appendix K.

Subject to the conditions below, this grant of confidential treatment will remain in effect for the period of time requested (ten years) as to the Ford materials, and indefinitely as to the TI design drawing in the folder titled "Supplier Engineering Design Drawings".

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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NCC-113;Subj/Chron, cc, NCC05-006953
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