

NUS -214
Bruce York
Kraft
9/14/06

SEP - 7 2006

James P. Vondale
Director
Automotive Safety Office
Environmental & Safety Engineering
Ford Motor Company
330 Town Center Drive
Dearborn, MI 48126-2738

Re: Speed control deactivation switch/EA05-005

Dear Mr. Vondale:

This responds to your July 28, 2006 letter, requesting confidential treatment for documents voluntarily submitted to the agency following a July 12, 2006 discussion with Mr. Richard Boyd and Bruce York of this agency. You request confidential treatment for a period of 10 years.

The data included in your submission consists of various internal tests conducted to determine the root cause of the subject defect in investigation EA05-005.

Your letter and accompanying certificate indicate that the information provided is "confidential and proprietary data" that Ford does not, and has not, released this information to the public.

I have decided to grant your request.

The information provided by Ford was submitted following a discussion with agency personnel. I have therefore determined that Ford provided this information voluntarily. 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 letter indicates that the data contained in your response is data that would not be released outside of Ford. Therefore, I am according confidential treatment to the information contained in your submission.

Subject to the conditions below, this grant of confidential treatment will remain in effect indefinitely.

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 NCC06-004722
Info: Bruce York w/enclosure
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