

SEP 20 2005

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

Re: Request for Confidential Treatment of Information Provided in Response to
PE05-038

Dear Mr. Fabien:

This is in response to James P. Vondale's letter of August, 24 2005 requesting confidential treatment for certain information that Ford Motor Company (Ford) provided in response to the above agency inquiry. Ford seeks confidential treatment for the documents included electronically in Appendix I, which is contained on a single CD-ROM. Ford states that it maintains this information in a record keeping system designed to control the information's dissemination and requests confidential treatment for a period of ten (10) years.

As to the information contained in Appendix I, Ford asserts that it contains documents that are not customarily released to the public by Ford and are confidential business information that are exempt from disclosure pursuant to 49 CFR § 512.15 and 5 U.S.C. § 552(b)(4). Ford claims that the disclosure of the documents in Appendix I would likely cause substantial competitive harm to Ford (as contemplated in 49 CFR § 512.15, 5 U.S.C. § 552(b)(4), and 49 U.S.C. § 30167).

I have decided to grant your request.

Because the information contained in Appendix I was submitted to the agency in response to the above information request, we reviewed your claim for confidential treatment under the test announced in *National Parks & Conservation Ass'n v. Morton (National Parks)*, 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 (FOIA) 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 includes studies by Ford to determine the root cause of the alleged defect and information concerning Ford's business practices relating to product concerns. 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 granting confidential treatment to the information contained in Appendix I.

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,

(S)

Otto G. Matheke, III
Senior Attorney

