

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

JAN 30 2006

Re: Ford Request for Confidential Treatment on PE05-050: NVS-213dlr on
MY2003-2005 Explorer

Dear Mr. Vondale:

This responds to your November 18, 2005, letter requesting confidential treatment for information submitted by Ford Motor Company in response to the above agency request. Ford seeks confidential treatment for Appendices D-3, D-4, and D-5, contained on a CD-ROM disk included with its letter. Ford requests confidential treatment of this information for a period of ten years.

Ford asserts these documents contain confidential business information that is not customarily released to the public by Ford, and could potentially be used by Ford's competitors to develop or improve their own products and processes without the need to invest the substantial resources invested by Ford.

I am granting your request.

Because this information was not submitted voluntarily, I have reviewed your submission under the competitive harm standard 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 would be likely to cause substantial competitive harm to the submitter or to impair the government's ability to collect the information in the future.

The information in your submission contains engineering specifications and processes pertaining to the MY2003-2005 Explorer, the disclosure of which would likely cause substantial competitive harm to Ford.

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

