

NUS-213 /  
D. Rincharat

FEB 23 2006

Mr. Ray Nevi  
Ford Motor Company  
Suits 500  
Fairlane Plaza South  
330 Town Center Drive  
Dearborn, MI 48126

Re: Confidentiality Determination/PE05-054

Dear Mr. Nevi:

This is in response to [REDACTED] letter, dated November 22, 2005, requesting confidential treatment for certain materials submitted by Ford Motor Company (Ford) and Visteon Corporation (Visteon) in response to an agency information request regarding alleged defects with the rear coil springs on certain 2000-2001 Sable and Taurus vehicles. The materials are files contained in a CD, identified as Appendix F. Appendix F is further subdivided into six descriptive categories (4 folders of Ford documents and 2 folders of Visteon documents). Ford and Visteon request that this information be kept confidential for a period of ten (10) years.

Ford and Visteon state that the information contained in Appendix F is confidential business information that, if disclosed, would be likely to cause Ford and Visteon 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 six (6) tabbed groups:

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

F	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.
F	Test results/reports/analysis -- engineering testing results

Ford and Visteon 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, design and engineering specifications and test procedures. Ford and Visteon contend that the disclosure of this information would assist competitors in identifying competitive strategies and supplier relationships without making the investment in resources that Ford and Visteon made as well as 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 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 and design/engineering specifications. Ford's submission also includes design verification plans and an engineering design drawing from a supplier, Visteon. 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 Visteon to suffer substantial competitive harm. Accordingly, I am granting confidential treatment to the materials that you have identified as confidential in Appendix F.

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



Otto G. Matheke, III  
Senior Attorney

NHTSA:NCC111:Ebenstein:1/8/06  
NCC-113:Subj/Chron, cc, NCC05-009076  
Info: NVS-213: D. Rinhardt w/enclosures  
U:\ncc30\confmisc05\Ford 05-009076.ee.doc