

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

MAY 12 2008

Re: Confidentiality Determination/EA07-012

Dear Mr. Vondale:

This responds to your February 28, 2008 letter requesting confidential treatment for materials submitted by Ford Motor Company (Ford) regarding alleged defects with the front axle differential and/or front driveshaft in 2003 through 2005 model year Land Rover Range Rover vehicles. These materials were provided in response to a January 3, 2008 agency information request and are contained in a series of PDF files located in a folder labeled "2008-02-28 Confidential Appendix G" found on a CD ("Appendix G"). A supplemental document, "2008-02-28 Attachment I.pdf", describes each category of information in Ford's submission. You request that this information be kept confidential for a period of ten (10) years.

I have decided to grant your request.

Ford was required to submit these data in response to an agency information request. Accordingly, I reviewed the claims for confidential treatment under the test set forth in *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974) and its progeny. Under the *National Parks* decision, information concerning a commercial or financial matter may be withheld under Exemption 4 of the Freedom of Information Act (FOIA) if disclosure of the information would be likely to cause substantial competitive harm to the competitive position of the submitter, or is likely to impair the Government's ability to obtain necessary information in the future. *Id.* at 770.

The information Ford submitted consists of the following files:

- "Tab A - CCRG.pdf" (chart depicting front differential failures occurring in the field);
- "Tab F - Warranty Analysis.pdf" (front differential spline wear analysis);

- "Tab J - Manuf Process Studies.pdf" (power train data sheet with specifications and installation data);
- "Tab M - Internal Formal Studies.pdf" (draft front differential coupling sleeve service replacement sheet -- confidential treatment sought for section labeled "Savings - Time & Parts");
- "Tab Q - Engineering Specs .pdf" (notes detailing the engineering design process for checking the front differential joint, engineering drawings, and measurements of frontal differential oil temperature at 134 mph);
- "Tab R - Test Procedures.pdf" (L322 prop shaft spline durability testing with test rig set up and procedure); and
- "Tab T - Test Results.pdf" (durability testing results).

You explain that the above information is not disclosed to the public. You assert that Tabs A (Critical Concern Review Group document) and F (warranty analysis materials) reveal Ford's method for ascertaining root causes of reported problems and its analysis of warranty data; Tab J (manufacturing process studies containing data sheet specifications and installation data) reveals specifics regarding Ford's manufacturing processes; Tab Q (engineering specifications) reveals Ford's engineering specifications and design processes; and Tabs R (test procedures) and T (test results) reveal information concerning Ford's testing programs. Ford contends that the information can be used by competitors to develop or improve their own products and processes without making the investments Ford made. You also contend that Tab M (estimated labor cost and time savings gained from a new service method) reveals financial information that competitors could use to identify quality issues and modify their strategies to Ford's detriment.

Ford's submission reveals detailed information regarding its engineering, manufacturing, and durability testing processes, detailed engineering specifications, and projected cost savings from the use of a new service procedure for replacing front. Disclosure of this information would be likely to cause Ford to suffer substantial competitive harm. Accordingly, this information will be withheld under Exemption 4 of the FOIA.

Subject to the conditions below, this grant of confidential treatment will remain in effect for ten (10) 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,

Original Signed By

Otto G. Matheke, III
Senior Attorney

