

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

APR 9 2008

Re: Request for Reconsideration of Confidentiality Determination/PE07-019

Dear Mr. Vondale:

This responds to your February 25, 2008 letter requesting reconsideration of the agency's January 22, 2008 partial denial of your June 8, 2007 request for confidential treatment for Ford Motor Company (Ford) materials submitted in the above listed agency investigation.

Ford requests confidential treatment for two sets of documents: (1) Document "2007-06-08 Appendix G Supplier Capabilities" contained in "Tab D - Supplier Capabilities-Relationship" (Bates Nos. PE07-019 0341-0343); and, (2) Document "2007-06-08 Appendix G Process Sheets" contained in "Tab E - Process Sheets" (Bates Nos. PE07-019 0344-0356). You requested confidential treatment for a period of ten years (until June 8, 2017). Your original request for confidential treatment for these documents was denied because the information in the documents did not match Ford's description, and Ford had not established how public release of these documents would be likely to result in substantial competitive harm.

I have decided to grant your request.

Ford was required to submit this information in response to an agency information request. Accordingly, your claims for confidential treatment were reviewed 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 FOIA Exemption 4 if disclosure 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.

Ford has corrected the deficiencies in its original request for confidentiality and adequately described the documents at issue. Review of the materials that you claim are entitled to confidential treatment, as well as the arguments asserted in support of your claim, supports a finding that the public release of the information contained in your request would be

likely to cause Ford substantial competitive harm. Therefore, I am granting confidential treatment under FOIA Exemption 4 to both Document "2007-06-08 Appendix G Supplier Capabilities" contained in "Tab D - Supplier Capabilities-Relationship" (Bates Nos. PE07-019 0341-0343) as well as Document "2007-06-08 Appendix G Process Sheets" contained in "Tab E - Process Sheets" (Bates Nos. PE07-019 0344-0356).

Subject to the conditions below, this grant of confidential treatment will remain in effect for a period of ten years (until June 8, 2017).

This grant of confidential treatment is subject to certain conditions. The information may be disclosed under 49 C.F.R. § 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 C.F.R. § 512.10). If necessary, you will be notified prior to the release of any information under the procedures established by our regulations (49 C.F.R. § 512.22(b)).

This matter has been delegated to the undersigned for final decision. My decision is administratively final and no further administrative reconsideration or appeal is available.

Sincerely,

Original Signed By

Lloyd S. Guerci
Assistant Chief Counsel
for Litigation and Enforcement

