



JAN 29 2009

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

Re: Petition for Reconsideration in PE07-057

Dear Mr. Vondale:

This responds to Ford Motor Company's (Ford) October 10, 2008, request for reconsideration of an August 26, 2008, agency denial of confidential treatment for documents Ford submitted in the above matter. The information at issue, "Tab C," is contained on a single CD-ROM disk identified as "Confidential Business Information PE07-057." Ford requests confidential treatment indefinitely.

By a letter dated August 26, 2008, Mr. Otto Matheke partially denied Ford's original request. In this letter, Mr. Matheke found that Ford had not adequately explained how and why the release of the documents in Tab C would cause competitive harm. In its request for reconsideration, Ford resubmitted the information and further justified its assertion. The submission contains test methods, analysis, tools, test subjects, specifications and results that, if made available, would enable competitors to alter or skip its own testing plans.

Your request for confidential treatment of personally identifying information for Ford owners is granted. Wherever personally identifying information such as phone numbers and the last six digits of any vehicle identification numbers appears, it will be accorded confidential treatment pursuant to Exemption 6 of FOIA, 5 U.S.C. § 552(b)(6).

Because Ford was required to respond to the agency's request pursuant to 49 U.S.C. § 30166, your reconsideration request was evaluated under the standard 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 if its disclosure would be likely to cause substantial competitive harm to the submitter or otherwise impair the government's ability to collect the information in the future.

I have decided to grant your request.

The information submitted by Ford contains specific test procedures, results, and conclusions from testing that, if released, would be likely to cause Ford to suffer competitive harm.

Notwithstanding this grant of confidential treatment, the information may be disclosed under the various provisions set forth in 49 U.S.C. § 30167 and 49 CFR Part 512. You will be notified prior to any such release of information.

This matter has been delegated to the undersigned for final decision. My decision is administratively final.

Sincerely,

**Original Signed By**

Lloyd S. Guerci  
Assistant Chief Counsel  
for Litigation and Enforcement

