

NVS-213
K. Bowker
[Signature]

Mr. James P. Vondale
Automotive Safety Office
Ford Motor Company
Suite 500, Fairlane Plaza South
330 Town Center Drive
Dearborn, MI 48126-2738

JUN - 8 2009

Re: Petition for Reconsideration of NHTSA's Partial Denial of Confidential Treatment
of Documents Submitted in Response to EA08-018

Dear Mr. Vondale:

This responds to your April 29, 2009 petition for reconsideration of the agency's March 27, 2009 partial denial of a November 21, 2008 Ford Motor Company ("Ford") request-- as supplemented by letters dated January 6, 2009 and January 26, 2009 -- for confidential treatment for documents submitted in response to the agency's September 29, 2008 information request in EA08-018.

The agency denied Ford's request for confidential treatment for two pages in the "Warranty Analysis" subfolder (EA08-018 00125-00126) and the entire "Supplier Documents" subfolder (EA08-018 00063-00097) in the "2008-11-21 Confidential Appendix K" folder. Denial of the two pages in the "Warranty Analysis" subfolder was based on Ford's failure to show release of these generic analyses would be likely to cause Ford to suffer competitive harm. (*See*, 49 CFR 512.15(b).) Denial of the contents of the "Supplier Documents" subfolder was based on Ford's failure to mark these documents as confidential. (*See*, 49 CFR 512.6(c)(2).) The agency granted confidential treatment on the remainder of the documents in Ford's request. Ford now requests reconsideration of the agency's denial for the information in the "Supplier Documents" folder. Your reconsideration request does not seek confidential treatment for the two pages previously denied such treatment in the "Warranty Analysis" (EA08-018 00125-00126) folder.

Ford now resubmits the materials from the "Supplier Documents" folder on a CD-ROM labeled "Appendix A April 29, 2009" in the file "EA08-018 Confidential Supplier Capabilities" (EA08-018 0001R through 0035R) along with a certification from the supplier, Mubea, Inc. Documents within the file which Ford believes contain confidential material have been marked as "ENTIRE PAGE CONFIDENTIAL BUSINESS INFORMATION." Ford requests the materials be given confidential treatment for ten years.

I have decided to grant your request.

The information submitted by Ford was requested pursuant to 49 U.S.C. § 30166, which authorizes the agency to conduct investigations and require manufacturers to submit reports. Because Ford was required to submit this information, the information was 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 *National Parks*, 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 likely cause substantial harm to the competitive position of the submitter, or would likely impair the Government's ability to obtain necessary information in the future. *Id* at 770.

I am granting your request for confidential treatment for the pages marked "ENTIRE PAGE CONFIDENTIAL BUSINESS INFORMATION" found in the file "EA08-018 Confidential Supplier Capabilities". Public disclosure of these pages, which contain testing and analysis of parts, would likely cause substantial competitive harm. Subject to the conditions below, this information will be treated as confidential for ten (10) years from the date of your November 21, 2008 request.

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).)

Ford's request for reconsideration has been delegated to the undersigned for decision. My decision is administratively final.

Sincerely yours,

Original Signed By

Lloyd S. Guerci
Assistant Chief Counsel
Litigation and Enforcement Division

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