

CERTIFIED MAIL -- RETURN RECEIPT REQUESTED

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

Re: Request for Confidential Treatment of Information in Response to EA08-018

Dear Mr. Vondale:

This responds to your November 21, 2008 request for confidential treatment – as supplemented by letters of dated January 6, 2009 and January 26, 2009 - for Ford Motor Company (Ford) materials submitted in the above-referenced investigation. These materials were provided in response to a September 29, 2008, information request and are contained on two CD-ROMs labeled “EA08-018 2002-03 Ford Taurus/Sable Front Suspension Coil Springs, Appendices K, M1 November 21, 2008” and “EA08-018 Ford Motor Company Appendix M1 January 26, 2009”. The submission also includes a certification from a Ford supplier, Mubea, Inc., stating that materials it provided for Ford’s response are confidential and requesting that Mubea’s request for confidential treatment be incorporated into Ford’s request. Ford requests confidential treatment for ten (10) years.

I am granting your request in part and denying your request in part.

With the exception of the pages listed below, I am granting your request for confidential treatment. Ford submitted this information in response to an agency information request (IR) issued under 49 U.S.C. §30166. 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 be likely to cause substantial 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.

Two pages in the “Warranty Analysis” folder, EA08-018 00125 and EA08-018 00126, are graphs depicting the rate at which coil spring fractures occur in different model years of the same vehicle. The graphs show the number of incidents per thousand vehicles (IPTV) at different times in service (TIS). These analyses reflect industry standard practices and the methodology used is not novel or complex. Ford has not shown that release of these generic analyses would be likely to cause the company to suffer competitive harm. Accordingly, your request for confidential treatment for these two graphs is denied.

I am also denying your request for the file named “Supplier Documents”. Section 512.6(c)(2) requires that contents of electronic files claimed as confidential must be marked as confidential. The pages of the file named “Supplier Documents” are not marked as confidential nor are brackets used to designate portions of the document for which confidential treatment is sought. Due to Ford’s failure to properly mark these pages, your request for confidential treatment for the file named “Supplier Documents” is denied and the substance of your claim relating to it was not reviewed.

Public disclosure of remaining information would likely cause substantial harm to the competitive position of Ford. This information will be treated as confidential for ten (10) years from the date of your November 21, 2008 request.

This partial 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).

If you disagree with this determination, you may request reconsideration. If you seek reconsideration, your request must be addressed to NHTSA’s Chief Counsel and filed within 20 working days after the receipt of this letter. 49 CFR 512.19(a). Any such request should contain additional justification supporting your claims for confidential treatment consistent with 49 CFR Part 512 and applicable case law.

Sincerely,

Otto G. Matheke, III
Senior Attorney

