

NVS-213
K. Bowker
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Mr. James P. Vondale
Ford Motor Company
Automotive Safety Office, Fairlane Plaza South
Environmental & Safety Engineering
330 Town Center Drive
Dearborn, MI 48126

APR 23 2008

Re: Confidentiality Determination/PE08-001

Dear Mr. Vondale:

This responds to your February 29, 2008 letter requesting confidential treatment for materials submitted by Ford Motor Company (Ford) regarding allegations of loss of brake power assist on certain model year (MY) 2005 Ford F-150 vehicles. These materials were provided in response to a January 11, 2008 agency information request and are contained in a series of PDF files located in a folder labeled "2008-02-29 Confidential Appendix J" found on a CD ("Appendix J").¹ 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.

¹ Ford's February 29, 2008 request for confidentiality identifies the confidential materials as "Appendix G". However, the CD-ROM containing the confidential materials and the folder on the CD-ROM identify the materials as "Appendix J". This letter refers to the materials subject to this request as "Appendix J".

The information Ford submitted consists of the following files:

- "Tab A – CONF BUS INFO COSTS.pdf" (documents reflecting Ford's financial information);
- "Tab B – CONF BUS INFO ENGINEERING DESIGN DRAWINGS.pdf" (Ford's release level drawings of its vehicles, systems, subsystems, and components);
- "Tab C - CONF BUS INFO ENGINEERING DESIGN SPECIFICATIONS.pdf" (documents containing information to be used by Ford and its suppliers to produce or evaluate parts issued in conjunction with engineering drawings during the design and development of its vehicles);
- "Tab D - CONF BUS INFO TEST REPORTS.pdf" (documents reflecting the results of engineering testing conducted by or on behalf of Ford);
- "Tab E - CONF BUS INFO SUPPLIER DVP&R.pdf" (Ford supplier document that reflects test plans, procedures and results conducted by or on behalf of Ford); and
- "Tab F - CONF BUS INFO SUPPLIER TEST REPORTS.pdf" (Documents reflecting the results of engineering testing conducted by or on behalf of Ford).

You explain that the above information is not disclosed to the public. You assert that Tabs A (costs) reveal information concerning the financial impact to Ford of the underlying issue that could be used by competitors to identify quality issues and modify competitive strategies; Tab B (Engineering design drawings) and Tab C (engineering design specifications) reveal Ford's proprietary intellectual property and design processes; Tab D (test reports data) reveal information concerning Ford's testing programs; and Tab E (supplier design verification plan and report) and F (supplier test program) reveal information concerning Ford's supplier'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.

Ford's submission reveals detailed information regarding its engineering, manufacturing, and durability testing processes, detailed engineering specifications, and projected cost. 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

OCC:Adimarsico:65263:cyt: 4/22/08
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