

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

MAY 20 2009

Re: Confidentiality Determination/PE08-070

Dear Mr. Vondale:

This responds to your February 24, 2009 request for confidential treatment for information submitted by Ford Motor Company (Ford) in response to an information request in the above agency investigation. The information for which you request confidential information is contained on a CD-ROM entitled "PE08-070, Confidential Business Information, Ford Motor Company, Appendix F, February 24, 2009." A Ford supplier, Hayes Lemmerz International, Inc. (Hayes), has also provided a certification outlining its view that certain materials included in Ford's submission are confidential. Hayes' certification is incorporated into your request. Ford seeks confidential treatment for ten (10) years (i.e., February 24, 2019).

I note first that your submission contains potentially identifying information for Ford's customers. Potentially personally identifying information – names, addresses, telephone numbers, and the last six digits of any vehicle identification numbers for individual owners are accorded confidential treatment pursuant to Exemption 6 of the Freedom of Information Act, 5 U.S.C. § 552(b).

Your request is granted.

Ford was required to submit this information 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 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. Upon review of the information for which Ford requests confidential treatment, and based upon Ford's representations as set forth in its submission, the information identified as Ford confidential information contained on the CD-ROM entitled "PE08-070, Confidential Business Information, Ford Motor Company, Appendix F, February 24, 2009" is accorded confidential treatment.

Subject to the conditions below, this grant of confidential treatment will remain in effect for ten (10) years (i.e., February 24, 2019).

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

