

James P. Vondale
Automotive Safety Office
Environmental & Safety Engineering
Ford Motor Company
330 Town Center Drive
Dearborn, MI 48126-2738

JUN 11 2010

Re: Request for Confidential Treatment / PE09-020

Dear Mr. Vondale:

This responds to your February 12, 2010 letter requesting confidential treatment for certain Ford Motor Company (Ford) information submitted in response to a May 18, 2009 Office of Defects Investigation information request in investigation PE09-020.

An internal review by Ford revealed that it had failed to provide some of the information responsive to the information request when it originally submitted its response with a request for confidential treatment on July 17, 2009. Ford now submits this material and requests confidential treatment for this data for the same reasons set forth in the July 17, 2009 request for confidential treatment. The July 17, 2009 request sought confidential treatment for ten years on the grounds that release of the data would be likely to cause substantial harm to Ford's competitive position.

I note that the additional documents for which you are now seeking confidential treatment appear to be contained in the directory "Cost – Supplemental." Other than this directory, the contents of the Appendix I contained in your most recent submission appear to be identical to the contents of the Appendix I contained in your July 17 submission. I have already reviewed the confidential documents you submitted on July 17 and have transmitted this decision to you in a letter dated March 5, 2010. Therefore, with respect to your most recent request, I have only reviewed the documents contained in the "Cost – Supplemental" file.

I am granting your request.

Ford submitted this information in response to an agency information request. Since Ford was required to submit this information, I reviewed your claim 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 would be likely to impair the Government's ability to obtain necessary information in the future. *Id.* at 770.

I have reviewed your submission, including the materials that you claim are entitled to confidential treatment and the arguments that you assert in support of your claim. Examination of this material indicates that release of the information contained within it would be likely to cause Ford to suffer significant competitive harm. Therefore, this information is entitled to confidential treatment pursuant to Exemption 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4). The documents will be afforded confidential treatment for ten 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

