

NKS-215
J. Timian

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

FEB 16 2011

Re: Request for Confidential Treatment of Voluntary Submission of Business Information in AQ10-001

Dear Mr. Vondale:

This responds to your January 12, 2011 request for confidential treatment for Ford Motor Company ("Ford") materials submitted in response to an information request in the above-referenced investigation. Specifically, Ford requests confidential treatment for information regarding rental car safety recall campaign completion. Ford requests that the information be accorded confidential treatment for ten years.

You requested that the submitted information be afforded confidential treatment because, among other things, the information was submitted voluntarily by Ford and has not been disclosed to the public and is of a kind that Ford does not customarily disclose to the public.

I am granting your request.

Ford submitted this information voluntarily. Accordingly, I reviewed your claim for confidential treatment under the test set forth in *Critical Mass Energy Project v. NRC*, 975 F.2d 871 (D.C. Cir. 1992). *Critical Mass* establishes that, under FOIA Exemption 4, documents and materials submitted voluntarily to a government agency are to be treated differently than those submitted because the submitter was required to submit them. *Id.* at 879. If materials are submitted voluntarily, confidential treatment will be granted under Exemption 4 when the information would not customarily be released to the public by the submitter. *Id.*

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. I am granting your request for confidential treatment. Examination of this material indicates that the

information submitted would not be customarily released to the public by Ford. Therefore, this information is entitled to confidential treatment pursuant to Exemption 4 of the Freedom of Information Act, 5 USC § 552(b)(4).

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)). Furthermore, this information may be disclosed if such disclosure would be in the public interest, pursuant to the procedures established in 49 C.F.R. § 512.23.

Sincerely,

Original Signed By

Otto G. Matheke, III
Senior Attorney

NHTSA: NCC-111 J. Piazza:65263:cyt:2/16/2011
NCC-111 subj, jp, om, cyt
cc: NVS-215 (Jennifer Timian)
M:\Misc11\Ford0249jdp.docx