

closed

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

FEB 6 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

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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)
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James P. Vondale, Director
Automotive Safety Office
Environmental & Safety Engineering

Fairlane Plaza South
330 Town Center Drive
Dearborn, MI 48126-2738 USA

January 12, 2011

Mr. Oakley Kevin Vincent
Chief Counsel
Office of the Chief Counsel
National Highway Traffic Safety Administration
1200 New Jersey Avenue SE, Room W41-322
Washington, D.C. 20590

Dear Mr. Vincent:

Subject: Request Under 49 CFR Part 512 for Confidential Treatment of Information

A copy of confidential information referenced in the Ford Motor Company (Ford) January 12, 2011, response to the agency's November 18, 2010, Audit Query regarding rental car safety recall campaign completion, AQ10-001, is attached.

This letter provides support for and requests confidentiality in accordance with 49 CFR Part 512.8. Ford requests confidential treatment for the files included in Appendices A, B, and C because the documents are not customarily released to the public by Ford, and the documents contain confidential business information, the disclosure of which would likely cause substantial competitive harm to Ford (as contemplated in 49 CFR § 512.15, 5 and U.S.C. § 552(b)(4)). The release of this information to the public is substantially likely to damage the business relationship between Ford and rental car companies who purchase Ford vehicles, which may then result in decreased sales of motor vehicles to rental car fleets. Additionally, because certain information in this response is provided to Ford voluntarily by rental car companies, its release is likely to impair the Government's ability to obtain necessary information in the future because Ford may not be able to collect it. Furthermore, the information is submitted voluntarily by Ford.

Ford information of this type is maintained under a record keeping system which is intended to control dissemination of this material within Ford, and to assure that the material is not disseminated outside of Ford, except as described in the attached certification, which is made pursuant to 49 CFR Part 512.4(b).

A Compact disc containing electronic copies of documents provided in Appendices A, B and C are labeled "CONFIDENTIAL" and documents contained in the electronic files are marked "CONFIDENTIAL BUSINESS INFORMATION," in the top margin, as part of this response.



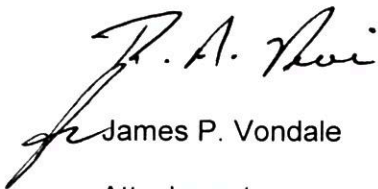
January 12, 2011

Ford requests that these documents be granted confidential treatment by the agency for a period of ten years. Earlier disclosure of these documents, in Ford's opinion, would result in substantial competitive harm.

In the event that the agency should conclude that all or part of the submitted information is not to be given confidential treatment, Ford asks the agency to provide reasonable notice of not less than ten working days prior to any contemplated disclosure in order that Ford may pursue such legal remedies as it may choose. Please direct all written notices to me at Ford Motor Company, Suite 500, Fairlane Plaza South, 330 Town Center Drive, Dearborn, Michigan 48126. Please direct all non-written communication to Mr. Alan Prescott who may be contacted by telephone at (313) 390-5621.

Thank you for your continuing courtesy.

Sincerely,



James P. Vondale

Attachment

**CERTIFICATE IN SUPPORT OF REQUEST
FOR CONFIDENTIALITY**

I, R. A. Nevi, pursuant to the provisions of 49 CFR Part 512, state as follows:

1. I am Assistant Director, Global Automotive Safety Compliance, Automotive Safety Office, and I am authorized by Ford Motor Company (Ford) to execute this certificate on its behalf;
2. The information contained in the attachment to Ford's letter to NHTSA's Office of the Chief Counsel dated January 12, 2011, contains confidential and proprietary data and is submitted with the claim that it is entitled to confidential treatment under 5 U.S.C., § 552(b)(4);
3. A member of my staff has inquired of the responsible Ford personnel who have authority in the normal course of business to release the type of information for which a claim of confidentiality has been made to ascertain whether such information has ever been released outside Ford;
4. Based upon such inquiries, to the best of my knowledge, information and belief, the information for which Ford has claimed confidential treatment has never been released or become available outside Ford except as hereinafter specified:
 - Portions of these documents may have been or may be shared with Ford suppliers with the expectation that they will be kept confidential.
 - During the course of defending itself in litigation, Ford may have been, or may be required to produce such information.
5. I make no representations beyond those contained in this certificate and, in particular, I make no representations as to whether this information may become available outside Ford because of unauthorized or inadvertent disclosure, except as stated in Paragraph 4; and
6. I certify under penalty of perjury that the foregoing is true and correct. Executed on this the twelfth day of January, 2011.



R. A. Nevi