



JAN 26 2006

Mr. David H. Coburn
Steptoe & Johnson LLP
1330 Connecticut Avenue, NW
Washington, DC 20036-1795

Re: Confidentiality Determination/EA05-005

Dear Mr. Coburn:

This is in response to your letter, dated November 1, 2005, requesting confidential treatment for certain materials submitted by Texas Instruments, Inc. (TI) and Ford Motor Company (Ford) in response to an agency information request (IR) regarding speed control deactivation switches. The materials are contained in two separate batches of documents. The documents labeled TI-NHT05 11741-11749 belong to Ford. The documents labeled TI-NHT05 11750-11777 belong to TI. Specifically, TI and Ford request that the information contained in these attachments be treated as confidential. TI asks that their information be kept confidential without a time limitation and Ford requests that their information be kept confidential for a period of ten years.

Both your letter and accompanying certificate and Ford's letter and accompanying certificate indicate that the information provided is confidential and proprietary information that TI and Ford do not and have not released to the public. You contend that the information (cost summaries, settlement proposals and indemnity agreements), if disclosed, would be likely to cause TI and Ford to suffer substantial competitive harm. In particular, TI and Ford state that this information would reveal the strategic thinking and views of both companies to competitors without them having to make the investment in resources made by TI and Ford.

I have decided to grant your request.

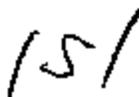
The agency reviewed the claims for confidential treatment under the test announced in *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974) and its progeny. Under that test, information is confidential under Exemption 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4), if its disclosure is likely to cause substantial competitive harm to the submitter or to impair the government's ability to collect the information in the future.

The submissions consist of detailed cost summaries in support of the speed control deactivation switch recall, settlement proposals and indemnity agreements. This information is not readily available to the public. Further, the agency believes that the disclosure of this detailed information would be likely to cause TI and Ford to suffer substantial competitive harm. Accordingly, I am according confidential treatment to the materials described above.

Subject to the conditions below, this grant of confidential treatment will remain in effect indefinitely as to the TI materials and for ten years as to the Ford materials.

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,



Otto G. Matheke, III
Senior Attorney

