

NUS-212
J. Quant

OCT 20 2006

William R. Willen
Managing Counsel
Product Regulatory Office
American Honda Motor Co., Inc.
1919 Torrance Boulevard
Torrance, CA 90501-2746

Re: Request for Reconsideration/PE-05-050 Pilot/MDX Fuel Tank Inquiry

Dear Mr. Willen:

This responds to your June 29, 2006, request for reconsideration of Mr. Otto Matheke's May 31, 2006 denial of a request for confidential treatment for information relating to the design and testing of fuel tanks in 2003-2005 model year Honda Pilot and Acura MDX utility vehicles. Mr. Matheke denied your original May 8, 2006 request because Honda failed to provide a sufficient basis for granting confidential treatment. Your reconsideration request provides further information. It states that the information at issue consists of proprietary design standards and product testing protocols. In your view, release of this information would likely result in competitive harm by allowing competitors valuable insight into the design standards that contribute to Honda's reputation for quality, reliability, safety, and durability.

I am granting your request.

Your request was reviewed under the competitive harm standard established in *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974), and its progeny. Under *National Parks*, information is confidential if its disclosure would be likely to cause substantial competitive harm to the submitter or to impair the government's ability to collect the information in the future.

Honda has now set forth sufficient grounds establishing that release of the information at issue would be likely to cause the company to suffer competitive harm.

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)).

My decision is administratively final.

Sincerely,

A handwritten signature in black ink, appearing to be 'A. Cooke'.

Anthony M. Cooke
Chief Counsel

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