

Frank D. Slaveter  
Senior Manager, Technical Compliance  
Nissan North America, Inc.  
P.O. Box 685001  
Franklin, TN 37068

SEP 22 2008

Re: Request for Confidential Treatment/PE07-062

Dear Mr. Slaveter:

This responds to your April 28, 2008 letter requesting confidential treatment for Nissan North America, Inc. (Nissan) information submitted in response to a National Highway Traffic Safety Administration (NHTSA) information request in the above-referenced investigation. The information is contained on a CD-ROM labeled ATTACHMENT A, CONFIDENTIAL ATTACHMENT D. Nissan requests confidential treatment indefinitely for blueprints and parts specifications within Attachment D.

Your letter states that the information relates to product development, design, manufacture, material selection, and evaluation of suppliers. Nissan contends that release of this information would be likely to cause substantial competitive harm. Finally, you state that the data is not public and is not publicly released by Nissan.

I note first that your submission contains potentially identifying information for consumers and owners of Nissan vehicles. Although Nissan did not seek confidential treatment for this data, potentially personally identifying information – names, addresses, telephone numbers, and the last six digits of any vehicle identification numbers (“VIN”) are accorded confidential treatment pursuant to Exemption 6 of the Freedom of Information Act (FOIA), 5 U.S.C. § 552(b).

I am granting your request.

Because the documents Nissan submitted respond to a formal agency information request, I reviewed your claim for confidential treatment under the test announced in *National Parks & Conservation Ass'n v. Morton (National Parks)*, 498 F.2d 765 (D.C. Cir. 1974). Under that test, information is confidential under Exemption 4 of the Freedom of Information Act 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.

Attachment D contains a single .pdf file - Confidential Parts Information.pdf – consisting of eight pages of blueprints, quality control reports and an excerpt from a service manual. None of the individual pages are marked as confidential. Nissan apparently seeks confidential treatment for seven of the eight pages, which consist of blueprints and quality control reports. As the single page from the service manual appears in both the public and confidential versions of the Confidential Parts Information.pdf file, Nissan apparently does not seek confidential treatment for that particular page.

The drawings provided by Nissan contain detailed data relating to the specifications and manufacture of ball joints. Similarly, the quality control reports contain product standards and testing data. Release of the foregoing data would be likely to cause Nissan to suffer substantial competitive harm. Moreover, the blueprints are sufficiently detailed to be subject to the class determination found in Paragraph 1 of Appendix B of Part 512.

I ask that Nissan mark individual confidential pages in future submissions as “Confidential Business Information” to allow NHTSA to identify those pages for which confidential treatment is sought.

Subject to the following conditions, this grant of confidential treatment will remain in effect for an indefinite period of time subject to certain conditions. The information may be disclosed under 49 C.F.R. § 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 C.F.R. § 512.10). If necessary, you will be notified prior to the release of any information under procedures established by our regulations (49 C.F.R. § 512.22(b)).

Sincerely,

**Original Signed By**

Otto G. Matheke, III  
Senior Attorney

