

OCT 27 2008

Kent Reeves
National Manager
Product Support & Technical Compliance
Mitsubishi Motors North America, Inc.
6400 Katella Avenue
Cypress, CA 90630

Re: Request for Confidential Treatment/PE 08-014

Dear Mr. Reeves:

This responds to your May 22, 2008, request for confidential treatment for Mitsubishi Motors North America, Inc. ("Mitsubishi"), information submitted in response to a National Highway Traffic Safety Administrations ("NHTSA") Information Request issued in the above investigation. Specifically, Mitsubishi requests confidential treatment for Document Nos. 1-17 attached to its response. Mitsubishi requests confidential treatment for a period of ten (10) years from the date of submission (May 22, 2018).

I have decided to grant your request.

I note that the submission contains personally identifying information for Mitsubishi owners. Wherever personally identifying vehicle owner information, such as phone numbers and the last six digits of any vehicle identification numbers, appears, it will be accorded confidential treatment pursuant to Exemption 6 of the Freedom of Information Act (FOIA), 5 U.S.C. § 552(b)(6). Your letter asserts that the names and addresses of Mitsubishi employees are entitled to similar protection under this section. This assertion is incorrect, as individuals acting in their business capacity are not accorded the same protection as private individuals under § 552(b)(6). Nonetheless, as your request is being granted on alternative grounds, the information will not be released.

The information provided by Mitsubishi was requested pursuant to 49 USC § 30166, which authorizes the agency to conduct investigations and require manufacturers to submit reports. Therefore, because the information was not submitted voluntarily, I have examined your submissions using the competitive harm standard set forth in *Nat'l Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974) and its progeny.

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 have concluded that the public release of the product investigation and test materials in Document Nos. 1-17 would be likely to cause Mitsubishi to suffer substantial competitive harm. Therefore, this information is entitled to confidential treatment pursuant to Exemption 4 of FOIA, 5 U.S.C. § 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)).

Sincerely,

Original Signed By

Otto G. Matheke, III
Senior Attorney

