



JAN 22 2009

William Willen
American Honda Motor Co., Inc.
1919 Torrance Boulevard
Torrance, CA 90501-2746

Re: Confidentiality Determination/RQ08-006

Dear Mr. Willen:

This responds to your November 24, 2008, letter requesting confidential treatment for American Honda Motor Co., Inc. (Honda), materials provided in response to an agency Information Request (IR) in the above-referenced recall query. The information, six documents on one CD-ROM, consists of internal assessments and analyses, as well as VINs, engine numbers, transmission numbers and customer data. Honda does not indicate the length of time that it requests this information remain confidential; I assume Honda intends the information remain confidential indefinitely.

I have decided to grant your request.

Your request for confidential treatment of personally identifying information for Honda owners is granted. Wherever personally identifying information such as the names of persons or VINS appears, the information will be accorded confidential treatment pursuant to Exemption 6 of FOIA, 5 U.S.C. § 552(b)(6). For VINs, the last six digits will be accorded confidential treatment pursuant to the exemption. *Id.*

As Honda was required to submit the remaining data in response to a formal agency IR, I reviewed the claims for confidential treatment under the test set forth in *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974) and its progeny. Under the *National Parks* decision, information concerning a commercial or financial matter may be withheld under Exemption 4 of the Freedom of Information Act (FOIA) if disclosure of the information would be likely to cause substantial competitive harm to the competitive position of the submitter, or would be likely to impair the Government's ability to obtain necessary information in the future. *Id.* at 770.

Documents one, two, four and six are quality improvement sheets and reports. Document three is a quality committee report. Document five is an analysis report of the failed part. The bracketed portions of these documents contain internal cost and incident assessments, and test results. Honda asserts that the release of this information would be likely to cause substantial competitive harm.

I agree. Therefore, I am granting your request for all bracketed portions of these documents.

Subject to the conditions below, this grant of confidential treatment will remain in effect indefinitely.

This grant of confidential treatment is 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 the procedures established by our regulations (49 C.F.R. § 512.22(b)).

Sincerely,

Original Signed By

Otto G. Matheke, III
Senior Attorney

