

EA09-014
PE 09-024

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

MAR - 5 2010

Re: Confidentiality Request/Honda Presentation on 10/22/09

Dear Mr. Willen:

This responds to your December 2, 2009 request for confidential treatment for American Honda Motor Co., Inc.'s ("Honda") powerpoint presentation reviewed in an October 22, 2009 meeting with the National Highway Traffic Safety Administration ("NHTSA"). The powerpoint presentation is contained on a CD-ROM disk entitled "Confidential: Honda Meeting on October 22, 2009, 2006-08 Odyssey Soft Brake, Dec, 2, 2009 ("CD-ROM)". The CD-ROM contains one file named "091022 Odyssey_Softbrake presentation FINAL CONFIDENTIAL SUBMITTED.PDF," which are the confidential portions (pages 4-12) of the twelve page powerpoint presentation.

Your letter and accompanying certificate indicate that the information provided contains "unique information concerning the detail of the operation of the VSA system," and has never been released or become available outside Honda. You state that the submitted materials are proprietary and that disclosure of this information would result in significant competitive damage to the company.

I have decided to grant your request.

I have determined that Honda provided this information voluntarily. Honda scheduled this meeting, and provided a copy of the powerpoint presentation at that meeting. At the meeting, officials from NHTSA asked Honda to provide a copy of the powerpoint presentation. Honda later submitted the powerpoint presentation to NHTSA with this confidentiality request. Since Honda was not required to provide NHTSA this powerpoint presentation, I have reviewed your request under the principles set forth in *Critical Mass Energy Project v. Nuclear Regulatory Comm'n*, 975 F.2d 871 (D.C. Cir. 1992). Under the test set forth in *Critical Mass*, financial or commercial information provided to the government on a voluntary basis is "confidential" for purposes of

Exemption 4 of the Freedom of Information Act if it is the kind of information that would customarily not be released to the public by the submitter. Your letter indicates that the information contained in your response is information that is not customarily released to the public.

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

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

