

Jeffery A. Marsee
Chief Representative
Isuzu Manufacturing Services of America, Inc.
46401 Commerce Center Drive
Plymouth, MI 48170

JUN 30 2010

Re: Request for Confidential Treatment/EA09-018

Dear Mr. Marsee:

This letter responds to your March 24, 2010 request for confidential treatment for an Isuzu Manufacturing Services of America, Inc. ("Isuzu") powerpoint presentation submitted to the National Highway Traffic Safety Administration in EA09-018.

The information contained in the powerpoint presentation was submitted voluntarily. *Critical Mass Energy Project v. NRC*, 975 F.2d 871 (D.C. Cir. 1992) (en banc) establishes that under FOIA Exemption 4 documents and materials submitted voluntarily to a government agency are to be treated differently than those that were submitted because the submitter was required to submit them. If materials are submitted voluntarily, *Critical Mass* declares that confidential treatment will be granted under Exemption 4 when the information would not customarily be released to the public by the submitter.

Isuzu states that the content of this presentation has not been disclosed to the public and is not customarily disclosed to the public. Examination of these materials indicates that they are not publicly available. Therefore, I am granting Isuzu's request for confidential treatment.

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

