

MAR 24 2010

Adam Sloane
Mayer Brown LLP
1999 K Street, NW
Washington, DC 20006

Re: Petition for Reconsideration / PE09-030

Dear Mr. Sloane,

This letter responds to the February 25, 2010 request for reconsideration submitted by Isuzu Manufacturing Services of America, Inc. ("Isuzu") following Mr. Otto Matheke's January 25, 2010 partial denial of a request for confidential treatment. Isuzu initially submitted this request on September 22, 2009, seeking confidential treatment for documents submitted in response to an agency information request. The information is contained in Enclosure 11 and is labeled k-6 and k-7. Isuzu requests permanent confidential treatment.

Mr. Matheke's January 25, 2010 letter states that Isuzu failed to supply the required third party certification for materials originating from General Motors (GM). Your reconsideration request contains a certificate from GM. Therefore, your request for confidential treatment for this information may now be substantively reviewed.

Because Isuzu was required to submit this information, your request for reconsideration is subject to the standard set forth in *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974), and its progeny. Under that test, information is confidential under Exemption 4 of the Freedom of Information Act if its disclosure would be likely to cause substantial competitive harm to the submitter or otherwise impair the government's ability to collect the information in the future.

Isuzu's request for reconsideration is granted. Review of the GM documents within the "k-6" and k-7" files of Enclosure 11, which are accelerated corrosion test standards and procedures, indicate that release of this information would be likely to cause Isuzu and GM to suffer substantial competitive harm. Accordingly, your request for confidential treatment for this information is granted.

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

O. Kevin Vincent
Chief Counsel

