

David G. Robertson
Environmental and Safety Engineering
Mazda North America Operations
1500 Enterprise Drive
Allen Park, MI 48101

JUN 10 2010

Re: Request for Confidential Treatment / PE09-045

Dear Mr. Robertson:

This responds to your January 13, 2010 letter requesting confidential treatment for Mazda design and internal testing information submitted in response to an Office of Defects Investigation information request in investigation PE09-045.

You requested that certain documents be afforded confidential treatment until termination of production for the vehicle to which the information pertains. Mazda states that release of these data would be likely to cause substantial harm to Mazda's competitive position. You submitted two DVD discs containing the information for which you requested confidential treatment.

I am granting your request.

Mazda submitted this information in response to an agency information request. Since Mazda was required to submit this information, I reviewed your claim 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 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.

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. Examination of this material indicates that release of the information contained within it

would be likely to cause Mazda to suffer significant competitive harm. Therefore, this information is entitled to confidential treatment pursuant to Exemption 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4). The documents will be afforded confidential treatment until the termination of the production period for the model year vehicle to which the information pertains.

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

