



U.S. Department of Justice
Antitrust Division
Freedom of Information Act / Privacy Act Unit
Liberty Square Building
450 5th Street, NW, Suite 1000
Washington, D.C. 20530
Voice: (202) 514-2692 / Fax: (202) 616-4529

April 17, 2020

VIA EMAIL

foia@americanoversight.org

Austin R. Evers
Executive Director
American Oversight
1030 15th Street, NW, Suite B255
Washington, DC 20005

Re: Freedom of Information Act Request No. ATFY20-008

Dear Mr. Evers:

This is in further response to your October 17, 2019 Freedom of Information Act ("FOIA") request, which the Office of Information Policy ("OIP") remanded to the Antitrust Division for further processing. Your request, ATFY20-008, sought any legal memoranda, from July 25, 2019 through September 6, 2019, regarding an investigation or potential investigation by the DOJ's Antitrust Division into the agreement by four automakers (Ford Motor Co., Honda Motor Co., Volkswagen AG, and BMW AG) to follow California's heightened limits for greenhouse gas auto emissions. We responded to your request on October 30, 2019, and you appealed that response on January 28, 2020. We received OIP's appeal decision on February 28, 2020, and reopened control number ATFY20-008. Please refer to this control number in any future correspondence concerning your request.

We searched for records and located 32 pages responsive to your FOIA request. We reviewed these records and determined that they are protected from public disclosure because all 32 pages reflect attorney work product and the deliberative process of Antitrust Division staff. Accordingly, we are withholding these records pursuant to 5 U.S.C. § 552 (b)(5).

If you are not satisfied with the Antitrust Division's determination in response to this request you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track->

request-or-appeal. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

You may contact Wayne Foster, FOIA Public Liaison, at the telephone number listed above for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services ("OGIS") at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

/s/

Kenneth Hendricks
Chief
FOIA/Privacy Act Unit