

DEC 9 2009

John Utick
Executive Vice President
Hehr International Inc.
3333 Casitas Avenue
Los Angeles, CA 90039-0160

Re: Confidentiality Determination/Safety Recall 09V-318, Investigation EQ09-007 (Tip-In Transom Windows)

Dear Mr. Utick:

This responds to your October 28, 2009 request for confidential treatment for Hehr International Inc. (Hehr) information submitted in response to a September 2, 2009 information request from the National Highway Traffic Safety Administration's (NHTSA) Office of Defects Investigation (ODI). Specifically, Hehr requests confidential treatment for the two page document marked as "ENTIRE PAGE CONFIDENTIAL COMMERCIAL/BUSINESS INFORMATION" identified as "Figure 1" (with window models, dates of distribution, and total number of windows) and "Figure 2" (a list of all customers that purchased the same or substantially similar windows, customer contact information, and date and quantity sold to each customer). Hehr requests confidential treatment for an indefinite period of time.

I have decided to grant your request.

The information provided by Hehr was requested pursuant to 49 USC § 30166, which authorizes the agency to conduct investigations and require manufacturers to submit reports. Therefore, because the information was not submitted voluntarily, I have examined your submission using the competitive harm standard set forth in *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974).

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. I have concluded that the public release of Hehr's customer list, customer contact information, and sales volumes would be likely to cause substantial competitive harm to Hehr and, therefore, that this information is entitled to confidential treatment pursuant to Exemption 4 of the Freedom of Information Act, 5 USC § 552(b)(4).

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

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

