CERTIFIED MAIL -- RETURN RECEIPT REQUESTED JUN 2 0 2011

Terry Emerson
Director of Quality Assurance
Dorel Juvenile Group
2525 State Street
Columbus, IN 47201

Re: Confidentiality Determination/Information Request Response in EA10-005

Dear Mr. Emerson:

This responds to your February 4, 2011 request for confidential treatment for Dorel Juvenile Group (Dorel) materials submitted in the above-referenced investigation. These materials were provided in response to a December 23, 2010 agency supplemental information request (IR) and are attached to your request. You request that this information be kept confidential indefinitely.

The information Dorel submitted consists of production numbers for child restraint systems, testing and statistical analyses, an evaluation prepared by Exponent, and a root cause analysis. Dorel requests confidential treatment for the pages and portions of pages marked as either "Entire Spreadsheet Confidential Business Information" or "Confidential Business Information."

You explain that the above information is customarily not released to the public by Dorel and that disclosure of the information in these files would be likely to cause Dorel to suffer substantial competitive harm.

I am granting your request.

I note first that your submission contains potentially personally identifying information for consumers and owners of vehicles produced by your company. Potentially personally identifying information—for example, names, addresses, telephone numbers, and the last six digits of any VINs—are accorded confidential treatment pursuant to Exemption 6 of the Freedom of Information Act (FOIA), 5 U.S.C. § 552(b).

I also note that Dorel labeled Exhibit 2—a spreadsheet containing comparator production data—as "Entire Spreedsheet (sic) Confidential Business Information." In Dorel's public submission, only the column labeled "QTY" has been redacted. I am interpreting this as a request for confidentiality only for the column labeled "QTY."

Because the documents were submitted to the agency in response to an agency IR, I reviewed your claim for confidential treatment under the test in *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974). Under that test, information is confidential under Exemption 4 of the Freedom of Information Act (FOIA) if its disclosure would be likely to cause substantial competitive harm to the submitter or to impair the government's ability to collect the information in the future.

I have determined that release of the information submitted by Dorel would be likely to cause the company to suffer substantial competitive harm. 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). Furthermore, this information may be disclosed if such disclosure would be in the public interest, pursuant to the procedures established in 49 C.F.R. § 512.23.

Sincerely,

Original Signed By

Otto G. Matheke, III
Senior Attorney

[redacted]