SEP 29 2010

Robert S. Faxon
Jones Day
North Point
901 Lakeside Avenue
Cleveland, OH 44114-1190

Re: Request for Reconsideration/Confidentiality of information submitted in EQ10-002

Dear Mr. Faxon:

This responds to your July 26, 2010 letter requesting reconsideration of Mr. Otto Matheke's June 25, 2010 partial denial of the April 30, 2010 request for confidential treatment submitted by CTS Corporation ("CTS").

CTS requested confidential treatment for certain documents on the grounds that release of the information would be likely to cause it to suffer substantial competitive harm by providing competitors with information about the company's design information, engineering testing and analysis, and problem solving capabilities. In particular, CTS requested confidential treatment for certain test documents examining compliance with, among other things, 49 C.F.R. § 571.124 ("FMVSS 124"). The original April 30, 2010 CTS request did not describe these test reports in detail or provide any explanation of the significance of their content.

The Agency denied CTS's request for confidential treatment for a number of documents because it appeared that they were certification test documents and the Agency's longstanding view has been that the public's interest in having access to a company's basis for certification to applicable federal motor vehicle safety standards outweighs the manufacturer's more limited interest in protecting competitively sensitive information that may be revealed through compliance testing. The agency also denied CTS's request for confidential treatment for an electromagnetic compatibility test report that originated with a third party for which CTS did not provide the certification required by 49 C.F.R. § 512.9.

You now request that NHTSA reconsider its earlier denial of confidential treatment for the following test reports:

- CTS - Camry PV\PV_78110-07011\180PV TestingEMI_etr35798-01;
- CTS - Camry PV\PV_78110-07010\ PV Testing_FMVSS.pdf;
- CTS - Camry PV\PV_78110-07011\15027 PV_FMVSSReport.pdf;

- CTS - Camry PV\PV_78110-08010\770 ReturnAtLowTemp-090930.pdf;
- CTS - Camry PV\PV_78110-08010\78110-08010-C FMVSS.pdf;
- CTS - Camry PV\PV_78110-08010\78110-08010CFMVSS.pdf;
- CTS - Camry PV\PV_78110-08010\78110-08010FMVSS.pdf.

With respect to document CTS - Camry PV\PV_78110-07011\180PV TestingEMI_etr35798-01 – which was denied confidential treatment because no certification was provided – you now provide the required certification from the author of that document, Elite Electronic Engineering. With respect to the other test reports for which you request reconsideration, you now provide information about the documents that was not originally provided as well as justifications in support of your request for confidential treatment. You assert, in essence, that these reports "contain[n] a significant amount of proprietary test methods and proprietary test results that have nothing to do with the defined limitations of the actual FMVSS requirements and, indeed, the data go far beyond FMVSS certification." You therefore request that these documents be afforded permanent confidential treatment.

I am granting your request.

CTS submitted this information in response to an agency information request. Since CTS was required to submit this information, your claim for confidential treatment was reviewed 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 either to cause substantial harm to the competitive position of the submitter, or to impair the Government's ability to obtain necessary information in the future. *Id.* at 770.

I am granting your request with respect to CTS - Camry PV\PV_78110-07011\180PV TestingEMI_etr35798-01. This document is an electromagnetic compatibility testing report. This report does not relate to testing for compliance with any federal motor vehicle safety standards, but it does contain proprietary test methodology. Release of the information therein would be likely to cause CTS to suffer substantial competitive harm.

Your reconsideration request for the remaining test reports is also granted. Your request, which describes and addresses the content of the test reports in detail, establishes that the test reports document compliance with Toyota and CTS performance standards that go beyond the requirements of FMVSS No. 124. The scope of these data extends beyond compliance with this standard and release of these test reports would be likely to cause CTS to suffer substantial competitive harm.

This grant of confidential treatment is subject to certain conditions. The information may be disclosed under 49 C.F.R. § 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 C.F.R. § 512.10). If necessary, you will be notified prior to the release of any information under the procedures established by our regulations (49 C.F.R. § 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

O. Kevin Vincent
Chief Counsel

