FEB 14 2011

Christopher H. Grigorian
Arent Fox LLP
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5339

Re: Request for Confidential Treatment/PE10-013

Dear Mr. Grigorian:

This responds to your September 2, 2010 request for confidential treatment for Grote Industries, LLC (Grote) materials provided in response to an informal request by the National Highway Traffic Safety Administration's Office of Defects Investigation regarding the above-referenced investigation. Grote requests confidential treatment for the bracketed portions of the pages marked "Confidential Business Information" and the entire page of pages marked "Confidential Business Information – Entire page").

Your request is granted.

Grote provided this information voluntarily. Accordingly, I have reviewed your request under the principles set forth in *Critical Mass Energy Project v. Nuclear Regulatory Comm'n,* 975 F.2d 871 (D.C.Cir.1992). Under the test set forth in *Critical Mass*, financial or commercial information provided to the government on a voluntary basis is "confidential" for purposes of Exemption 4 of the Freedom of Information Act (5 U.S.C. § 552(b)(4)) if it is the kind of information that would customarily not be released to the public by the submitter. Your request indicates that the information contained in the materials you submitted is information that Grote would not customarily release to the public. Review of the information indicates that it is not publicly available. Accordingly, I am granting your request for confidential treatment to the information contained in your submission.

Subject to the conditions below, this grant 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). 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. 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

